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LOWER RUBY RIVER

Fishing Access Acquisition

A proposal by the
Montana Department of Fish, Wildlife & Parks
July 11, 1997

STATE DOCUMENTS COLLECTION

AUG 15 1997

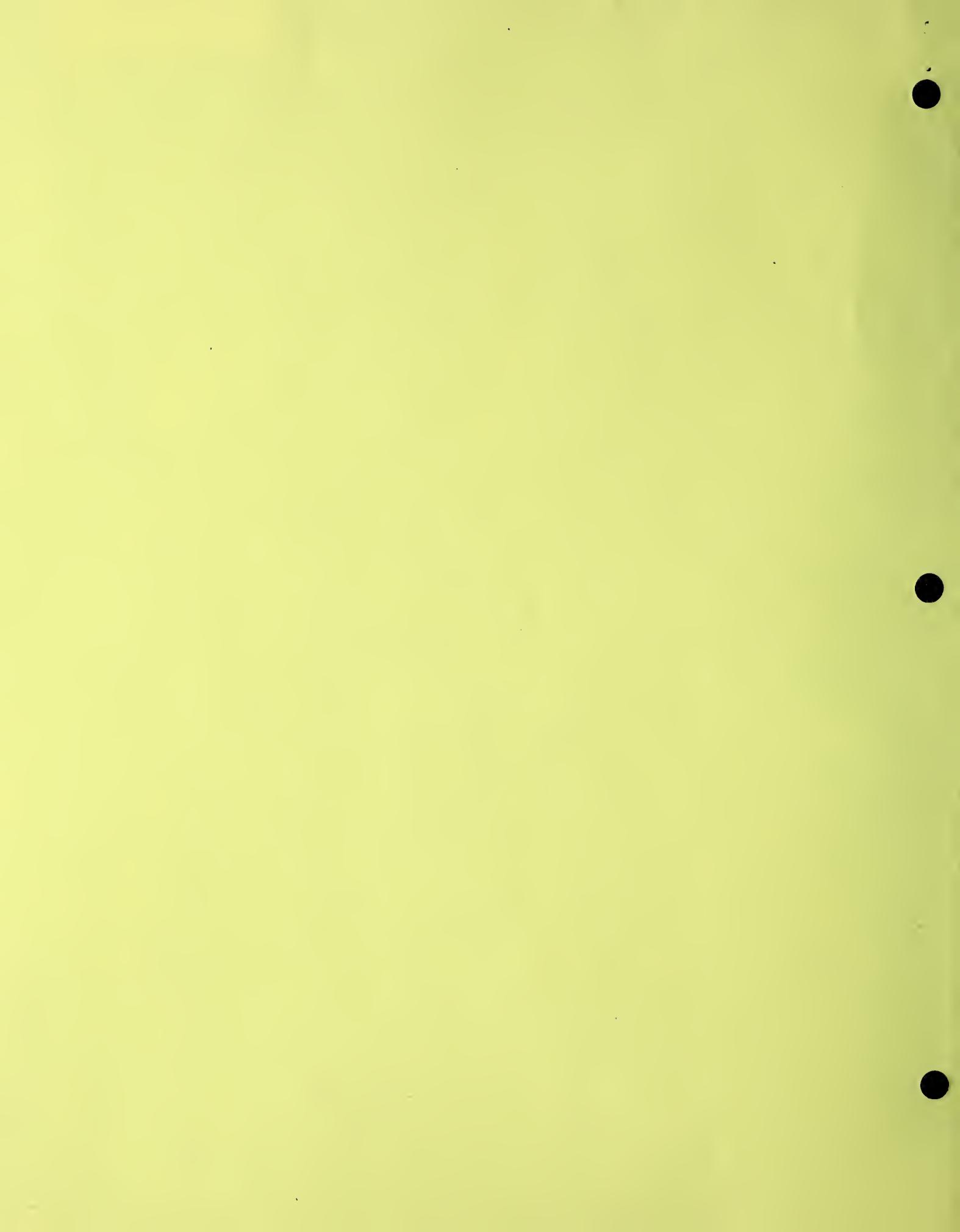
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Included In This Document:

- * Final Acquisition Environmental Assessment
- * Final Development Environmental Assessment
- * Benefit:Cost Analysis



Lower Ruby River Final Acquisition Environmental Assessment



MEPA/NEPA/HB495 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of Proposed State Action** Acquire one property as a permanent public fishing access site through a fee title purchase and acquire public fishing access sites through short term lease agreements on four additional properties along the lower Ruby River.
2. **Agency Authority for the Proposed Action** The 1977 Montana Legislature enacted Statute 87-1-605 to direct Montana Fish, Wildlife & Parks to acquire, develop and operate a system of public fishing access sites. The legislation established an earmarked funding account to ensure that this function would be accomplished. Acquisition and development of fishing access sites on the lower Ruby River will assure public access to this quality fishery.
3. **Name of Project** Montana Department of Natural Resources and Conservation (DNRC) of Helena lease, permanent fee title acquisition of the Mike and Monica Maloney property on the Ruby River and lease of river corridor properties owned by Sauerbier Ranches, Inc. of Alder, Ed and Katherine Guinnane of Alder, Silver Spring Ranch (Barnosky) of Sheridan, for the purpose of providing public fishing access along the lower Ruby River.
4. **Name, Address and Phone Number of Project Sponsor (if other than the agency)**

N/A

If Applicable:

Estimated Construction/Commencement Date August 1997

Estimated Completion Date N/A

Current Status of Project Design (% complete) N/A

6. Location Affected by Proposed Action (county, range and township)

DNRC property proposed for no cost lease - Madison County, T7S, R4W, SE1/4, NE1/4 Section 8.

Maloney property proposed for fee title acquisition - Madison County, T7S, R4W, NW1/4 Section 4 and T6S, R4W, SE1/4 Section 33.

Sauerbier Ranches, Inc. property proposed for monetary lease - Madison County, T6S, R4W, NE1/4, NW1/4 Section 28 and SE1/4 SW1/4 Section 21 (Upper Parcel) and T6S, R4W, NE1/4 Section 17 (Lower Parcel).

Guinnane property proposed for monetary lease - Madison County, T6S, R4W, S1/2 Section 8 (Ruby and Clear Creek Channels).

Silver Spring Ranch (Barnosky) property proposed for monetary lease - Madison County, T5S, R5W, SW1/4 Section 10.

7. **Project Size: Estimate the number of acres that would be directly affected that are currently:** The DNRC property proposed for access lease is not defined in terms of surface acres. The purpose of this proposal is to facilitate angler access, through property managed by DNRC for reservoir dam operation to the river corridor which flows through lands managed by DNRC and the Bureau of Land Management.

The Maloney property proposed for fee title acquisition is approximately 76 acres.

(a) Developed:	(d) Productive:
residential <u>0</u> acres	irrigated cropland <u>0</u> acres
industrial <u>0</u> acres	dry cropland <u>0</u> acres
(b) Open Space/Woodlands/ Recreation <u>0</u> acres	forestry <u>0</u> acres
(c) Wetlands/Riparian/ Floodplain <u>50</u> acres	rangeland <u>20</u> acres
	other <u>6</u> acres

The Sauerbier property proposed for access lease is approximately 18.4 acres.

(a) Developed:	(d) Productive:
residential <u>0</u> acres	irrigated cropland <u>1.6</u> acres
industrial <u>0</u> acres	dry cropland <u>0</u> acres
(b) Open Space/Woodlands/ Recreation <u>0</u> acres	forestry <u>0</u> acres
(c) Wetlands/Riparian/ Floodplain <u>16.8</u> acres	rangeland <u>0</u> acres
	other <u>0</u> acres

The Guinnane property proposed for access lease is approximately 44.9 acres.

(a) Developed:	(d) Productive:
residential <u>0</u> acres	irrigated cropland <u>16</u> acres
industrial <u>0</u> acres	dry cropland <u>0</u> acres
(b) Open Space/Woodlands/ Recreation <u>0</u> acres	forestry <u>0</u> acres
(c) Wetlands/Riparian/ Floodplain <u>25.9</u> acres	rangeland <u>0</u> acres
	other <u>3</u> acres

The Silver Spring Ranch (Barnosky) property proposed for access lease is approximately 24.2 acres.

(a)	Developed:	(e)	Productive:
	residential	0	acres
	industrial	0	acres
(b)	Open Space/Woodlands/ Recreation	0	acres
(c)	Wetlands/Riparian/ Floodplain	24.2	acres

8. **Map/site plan:** attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.

See attached vicinity and site maps.

9. **Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action.**

The total estimated fishing pressure in Montana for 1995 was 2,504,855 angler days. The Fishing Access Site program currently has 312 sites distributed across the state in all major drainages. FWP's Administrative Region Three currently has 79 of these sites. This program is an essential component of fisheries management in Montana because a large percentage of the angler use is achieved through these sites.

The estimated fishing pressure on the lower Ruby River between the mouth and the Ruby Reservoir Dam averaged 7,161 angler days per year from 1985 through 1995. This reach of the Ruby River is 47.9 miles long. The angling effort during that same period has averaged 150 days per mile per year. In 1993, fishing pressure was estimated at 3828 angler days (80 days per mile) of which 51.7% was attributed to Montana residents. This represented the lowest estimate calculated for the lower Ruby River. The highest angling estimate over the reach occurred in 1989 at 10,395 angler-days. Over the past decade, both the total angling effort and percentage of the effort attributed to Montana residents have declined markedly as private properties have shifted to exclusive private use and fee access.

The lower Ruby River is generally not large enough to be easily and safely floated throughout its entire reach. The stream is crossed by many fences, ranch access bridges, and irrigation diversions as well as being subject to variable flow regimes dependant upon releases from the Ruby Dam. No developed public boat ramps are located on the Ruby River at present. The stream is classified as Class II under the Montana Stream Access Law. The stream has many deep pools and runs and can be difficult to fish by wading under heavy runoff or release regimes from the dam. A combination of bank and wade fishing appears to be the most feasible angling approach on the proposed access sites. This style of fishing requires a substantial reach of river access to allow anglers to legally walk above the normal high water mark and disperse in a reasonable manner.

The vast majority of the lower Ruby River is bordered by private land. Traditionally, many landowners

along the Ruby River have granted anglers access for the asking. In recent times, however, changing demographics have moved toward exclusive use of the fishery via transfer of ownerships from traditional ranch families to recreational owners, exclusive outfitted or subdivision development, and the addition of angling fee access to traditional ranch incomes in conjunction with the outfitting industry. The Department is concerned about the future for continued public fishing opportunity on the private lands bordering the Ruby River and has prioritized access acquisition on this stream for more than a decade. In 1996, at the request of the Governor's Office and FWP, the Ruby River Access Task Force (RRATF) was formed to analyze the status of public fishing access and facilitate acquisition of such access by the Department. As a result of the actions of the RRATF, the Department wrote and adopted a Lower Ruby River Fishing Access Plan in June 1996. The actions proposed by the Department conform to this Access Plan and meet the recommendations of the RRATF.

At present, no formal public fishing access sites exist on the lower Ruby River. A system of public fishing accesses on the lower Ruby River would assure the angling public continued opportunity to utilize a quality resource. The proposed action approaches the stated goal of the Access Plan which calls for providing "7,500 to 8,000 angler-days of recreation dispersed to the highest degree possible along the 47.9 miles of lower Ruby River while maintaining the quality of wild fish populations and their habitat and minimizing potential for landowner - angler conflict".

DNRC SITE

The proposed acquisition on the DNRC property will facilitate public access to the Ruby River for primarily wade and bank fishing within a leased area along the Ruby River. The agreement will include a developed parking area and pedestrian trail of approximately 1.4 acres (see companion Development E.A.) to direct the public around the dam operator's residence and other site developments. The proposed lease agreement is for a 20 year period, with an automatic 5 year renewal, beginning in August 1997. The DNRC property is located immediately downstream from the Ruby Reservoir dam in the Upper Access Reach as defined in the Ruby Access Plan. The property consists of about 40 acres primarily composed of developments associated with dam operations, the dam operator's residence, and some limited wetland - riparian habitat. The property contains about 1,795 lineal feet of river or about 0.34 miles. A portion of the channel along the westerly meander and portions of the property along the river's west bank are Bureau of Land Management property upon which a right of way has been granted to the DNRC since 1937. Under terms of the lease agreement with DNRC, the spillway channel and the dam stilling basin would be closed to the public for safety reasons. This portion of the river will be closed to fishing under FWP Commission authority. Streamflow varies markedly throughout the year dependant upon releases from Ruby dam. Flow can be of extremely high velocity and turbulence when the reservoir is spilling and outlet releases are maximized for irrigation. Bank and channel habitat has been strongly influenced by dam and residence development and dam operations. Trout populations in close proximity to the dam have not been evaluated although a single electrofishing pass in 1994 revealed high numbers of rainbow trout in the aftermath of the reservoir draining event. The area of the proposed lease has been used by the public for many years without a formal agreement. The DNRC now wishes to formalize an agreement with FWP to secure public access to the fishery through their property.

MALONEY SITE

The proposed acquisition of the Maloney property as a fishing access site will provide public access to the Ruby River for primarily wade and bank anglers under FWP ownership. The Maloney property is located about two miles downstream from the Ruby Reservoir dam in the Upper Access Reach as defined in the

Ruby Access Plan. The property consists of about 76 acres primarily of wetland - riparian habitat and contains segments of three irrigation canals. The property contains about 4,792 lineal feet of river or about 0.91 miles. Streamflow varies markedly throughout the year dependant upon releases from Ruby dam. Information descriptive of habitat condition and trout populations can be found in Appendix A. The area of the proposed acquisition has been used by the public for many years through the generosity of the Maloney family. The Maloney family now wishes to sell their property to perpetuate the public access to the fishery through public ownership of the property. Acquisition and subsequent development (in the future) of this site will secure long-term public access at this location, and will provide for protection of fisheries, wildlife, soil and vegetation resources at the site.

SAUERBIER SITE

The proposed lease on the Sauerbier Ranches, Inc. property will provide public access to the Ruby River for primarily wade and bank fishing within a leased corridor extending 50 feet from each river bank. The proposed lease agreement is for a five year period, beginning in August 1997. The Sauerbier property is divided into two distinct parcels near Alder, Montana as described above. It is located in the Upper Access Reach as defined in the Ruby River Access Plan. The approximate acreage leased for fishing access in both parcels totals 18.4 acres, primarily riparian wetland and irrigated hay meadow. Additional acreage is included in the lease for parking development (see companion Development E.A.). The upper parcel at the Coy Brown Bridge contains about 2,813 feet of river while the lower parcel at the Alder Bridge contains about 5,188 feet of river for a total of about 8,001 feet or 1.51 miles of accessible river. Streamflow varies markedly through the year dependant upon releases from the Ruby dam and irrigation withdrawals in major canals upstream. Information descriptive of habitat condition and trout populations can be found in Appendix A. The area of the proposed lease has been used by the public for many years through the generosity of the Sauerbier family. The Sauerbier family now wishes to formalize an agreement with the Department to secure public access to the fishery through their property for the next five year period.

GUINNANE SITE

The proposed lease on the Guinnane property will provide public access to the Ruby River for primarily wade and bank fishing within a leased corridor extending 100 feet from each river bank. The proposed lease agreement is for a five year period, beginning in August 1997. The Guinnane property is divided along two distinct stream channels, the Ruby River channel and the Clear Creek Channel, near Alder, Montana as described above. It is located in the Upper Access Reach as defined in the Ruby River Access Plan. The approximate acreage leased for fishing access totals 44.9 acres, primarily riparian wetland and irrigated hay meadow. No additional acreage is included in the lease for parking development at present (see companion Development E.A.). Parking development on the lower Sauerbier property will serve both access sites. The Ruby River channel contains about 5,650 feet of river while the Clear Creek channel contains about 4,875 feet of river for a total of about 10,525 feet or 1.99 miles of accessible river. Streamflow varies markedly through the year dependant upon releases from the Ruby dam and irrigation withdrawals in major canals upstream. Flow in Clear Creek is most abundant and consistent during the irrigation season. Information descriptive of habitat condition and trout populations can be found in Appendix A. The area of the proposed lease has been used by the public for many years through the generosity of the Guinnane family. The Guinnane family now wishes to formalize an agreement with the Department to secure public access to the fishery through their property for the next five year period.

BARNOSKY SITE

The proposed lease on the Silver Spring Ranch (Barnosky) property will provide public access to the Ruby River for primarily wade and bank fishing within a leased corridor extending 100 feet from each river bank. The proposed lease agreement is for a five year period, beginning in August 1997. The Barnosky property is located downstream from the Silver Spring Bridge about three miles southwest of Sheridan, Montana as described above. It is located in the Lower Access Reach as defined in the Ruby Access Plan. The approximate acreage leased for fishing access totals 24.2 acres, primarily riparian wetland and floodplain. Additional acreage is included in the lease for parking development (see companion Development E.A.). The access easement contains about 5,280 feet or 1.0 mile of river as an unbroken access corridor along both banks. Downstream river frontage property owned by the Barnosky family is fragmented or is limited to the west river bank due to neighboring property ownerships and will not be considered as part of this proposal. Streamflow remains relatively constant and ample throughout the year with the exception of the runoff period. Information descriptive of habitat condition and trout populations can be found in Appendix A. The area of the proposed lease has been used by the public for many years through the generosity of the Barnosky family. The Barnosky family now wishes to formalize this agreement with the Department to secure public access to the fishery through their property for the next five year period.

Impacts analyzed in the following checklist (PART II) pertain to all five of the proposed access sites.

10. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits:

<u>Agency Name</u>	<u>Permit</u>	<u>Date Filed/#</u>
N/A		

(b) Funding:

<u>Agency Name</u>	<u>Funding Amount</u>
FWP	No cost for 20 year access lease of DNRC dam property.
FWP	\$4,650 per acre (about 76 acres) for acquisition of Maloney property.
FWP	\$9,000 per year lease rental for 5 year leases of access sites of Sauerbier and Guinnane properties.
FWP	\$8,000 per year lease rental for 5 year lease of access easement of Barnosky property.

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
N/A	

11. List of Agencies Consulted During Preparation of the EA:

Montana State Historic Preservation Office
Montana Department of Natural Resources and Conservation
Montana Department of Environmental Quality
U.S. Bureau of Land Management

PART II. ENVIRONMENTAL REVIEW

CHECKLIST

PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
► a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?		X				
► c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

PHYSICAL ENVIRONMENT

2. <u>AIR</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
► a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e.♦For P-R/D-J projects, will the project result in any discharge which will conflict with federal or state air quality regs? (Also see 2a)		X				
f. Other <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

PHYSICAL ENVIRONMENT

3. WATER	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
► a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
I. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ♦♦For P-R/D-J, will the project affect a designated floodplain? (Also see 3c)		N/A				
m. ♦For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		N/A				
n. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

PHYSICAL ENVIRONMENT

4. <u>VEGETATION</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?			X			See 4d. below
e. Establishment or spread of noxious weeds?			X			See 4e. below
f. ♦♦For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		N/A				
g. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation Resources (Attach additional pages of narrative if needed):

4d. Future livestock grazing on the Maloney property, which is presently occurring in limited form, will conform to planned limitations or be eliminated in accordance with a Department site management plan to be developed at a future date. A grazing plan could actually result in an increase in grazing use over the current program. Grazing practices and hay production will remain status quo on the leased properties.

4e. The sites treated within this proposal are and will continue to be used by anglers and other recreationists, which tends to lead to the establishment and spread of noxious weeds. Weed control activities will conform to the FWP Region Three Weed Management Plan and will be coordinated with the Madison County weed supervisor.

PHYSICAL ENVIRONMENT

► 5. FISH/WILDLIFE	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?			X			See 5b. Below
c. Changes in the diversity or abundance of nongame species?			X			See 5c. Below
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X			See 5g. Below
h. ♦♦For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)		N/A				
I. ♦For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		N/A				
j. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish/Wildlife Resources (Attach additional pages of narrative if needed):

5b. No significant changes in diversity or abundance of game animals or bird species is anticipated. If these access sites are acquired by the Department, terrestrial and aquatic game species may experience minor disturbance due to increased human use and activity. It should be noted, however, that all of the sites proposed for acquisition have been, or currently are, open to the public for fishing access in some format. Increased human activity is likely to cause some minor movement in terrestrial birds and wildlife as anglers move through the riparian corridor. Additional disturbance or harvest of wildlife through hunting or trapping has not been included in the fishing access acquisition.

An increase in fishing pressure will likely accompany access, at least in the short term, and may result in some increased harvest and/or release mortality of gamefish. This possibility will be monitored by regular FWP trout population surveys. Currently the river reaches through the proposed acquisitions support ample populations of brown trout, mountain whitefish and occasional rainbow trout (See Appendix). Data from other public fishing access sites strongly indicate that populations of wild brown trout, rainbow trout, and mountain whitefish are well adapted to angling use. This conclusion is further supported by comparative study sections on the lower Ruby River. Mortality within trout populations due to increased human use of the fishery is expected to remain within the limits of natural mortality rates within the population. These mortality rates should be offset by natural reproduction and recruitment into the population. If long term population trends or site monitoring become indicative of overuse of the habitat or trout population, further regulatory steps may be taken to preserve the quality of the site. These measures may include but not be limited to bag limit reduction, size limit restriction, gear restriction, or seasonal restrictions. Because the acquisitions have the potential to disperse and distribute public fishing pressure on the lower Ruby and parking areas are limited to five vehicles per accessible river mile, it is anticipated that overcrowding will not be a problem. If site monitoring or angler dissatisfaction prove otherwise, then the option of further restriction of angler numbers by other means may be pursued. The Region has recommended more restrictive angling regulations for the lower Ruby River for consideration by the Commission

for 1998-99 in response to this concern.

The presence of the Whirling Disease organism (*Myxobolus cerebralis*) has been confirmed in trout in the lower Ruby River from samples collected throughout the reach. Concomitant with the discovery of the disease, brown trout populations in two study sections have declined an average of 66% over a three year period. Population declines in other study sections have not been as severe. While the affects of whirling disease on wild brown trout populations are not clearly understood at present, the brown trout population of the lower Ruby River in general remains strong and abundant. If a large scale population decline in association with the disease occurs within the reach, angler restrictions similar to those discussed above may have to be implemented as the Department seeks ways to accommodate wild trout management strategies in the presence of Whirling Disease.

5c. No significant changes in diversity or abundance of non-game species is anticipated. If these access sites are acquired by the Department, nongame terrestrial and aquatic species may experience minor disturbance due to increased human use and activity. It should be noted, however, that all of the sites proposed for acquisition have been, or currently are, open to the public for fishing access in some format. Increased human activity is likely to cause some minor movement in terrestrial nongame birds and wildlife as anglers move through the riparian corridor. Additional disturbance or harvest of nongame wildlife through hunting or trapping has not been included in the fishing access acquisition. An increase in fishing pressure will likely accompany access but should not result in increased harvest or release mortality of nongame fish species as they are not usually a target species. Currently the lower Ruby River reach supports ample populations of white and longnose sucker, longnose dace, and mottled sculpin.

5g. See discussion in 5b. above.

HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

7. <u>LAND USE</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			X			See 7a. below
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

7a. The Maloney property under consideration for acquisition is currently used for limited winter livestock grazing. The property could eventually be fenced to exclude cattle from the area or could be placed under a winter grazing management plan to be determined at a future date. Dependent upon the outcome of such a management plan, grazing utilization could be increased or decreased from the current condition. No change in management as a result of this proposal is anticipated on any of the proposed lease sites. The leased property owners will continue to use the properties in agricultural operations.

HUMAN ENVIRONMENT

8. <u>RISK/HEALTH HAZARDS</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. ♦For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		N/A				
e. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

9. COMMUNITY IMPACT	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?			X			See 9c. Below
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X			See 9e. Below
f. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Resources (Attach additional pages of narrative if needed):

9c. Due to the large number of sites under consideration, angler use is expected to increase in the local vicinity. This is expected to result in an increased demand for local goods and services which should increase localized income. The acquisition of the fee title and leased sites by the Department will preclude outfitters from leasing the exclusive angling use on these properties. While this could have some negative economic impact on individual outfitters, they still have the opportunity of leasing the angling on the remainder of the river from private landowners. Net change to the local economy is expected to be neutral or positive.

9e. Since the sites are currently used by anglers, the increase in activity and vehicular traffic due to acquisition is expected to increase slightly in the short term.

HUMAN ENVIRONMENT

10. PUBLIC SERVICES/TAXES/UTILITIES	IMPACT*				Can Impact Be Mitigated*	Commen Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify: Site maintenance.			X			See 10a. Below
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				See 10b. Below
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased used of any energy source?		X				
► e. Define projected revenue sources						See 10e. Below
► f. Define projected maintenance costs.						See 10f. below
g. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (Attach additional pages of narrative if needed):

10a. The acquisition of the Ruby properties will necessitate certain maintenance services such as litter pickup, weed control activities, and other similar services. Eventual facility development will increase the need for maintenance services.

10b. Currently the Maloney property is taxed at the nonqualified agricultural rate. Madison County is not likely to reclassify the property due to its limited size and grazing capacity. The Department will be required to pay the county a sum equal to the amount of taxes which would be payable on county assessment of the property were it taxable to a private citizen (87-1-603). The tax classification of all of the properties proposed for lease will remain unchanged under this proposal. FWP paid \$10,850 in lieu of property taxes to Madison County for current land holdings in the county, in 1995.

10e. Funds to purchase the Maloney property and funds for payment of the three fee lease agreements will come from the Fishing Access acquisition account which is funded through the sale of fishing licenses. A portion of the account will be encumbered to accrue interest earnings to pay annual payments on the three leased sites.

10f. Maintenance costs are projected to be approximately \$2,045 (Operations and Personnel) annually for each of the proposed Access Sites.

HUMAN ENVIRONMENT

11. AESTHETICS/RECREATION	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
►c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)			X			See 11c. below
d. ♦For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		X				
e. Other: _____						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (Attach additional pages of narrative if needed):

11c. The proposed acquisitions will have unquantifiable positive impact on the tourism economy.

HUMAN ENVIRONMENT

12. CULTURAL/HISTORICAL RESOURCES	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
►a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ♦♦For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)		N/A				
e. Other: N/A						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

13. SUMMARY EVALUATION OF SIGNIFICANCE	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action, considered as a whole:						
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?	X					See 13e Below
f. ♦♦For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		N/A				
g. ♦♦For P-R/D-J, list any federal or state permits required.		N/A				

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown has not or can not be evaluated.

13e. Some debate or controversy could originate from private landowners in the vicinity of or immediately adjacent to the proposed access sites. The level of controversy cannot be anticipated at this time. Since the Department's proposed action will likely result in an increase in the amount of public fishing from that which currently occurs on the river, the chances for impacting adjoining landowners will also likely increase. To minimize these impacts, the Department will provide and install appropriate signs that delineate property boundaries and the rules that apply to the leased or owned sites.

2. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

No action Alternative - under this alternative the subject properties would not be purchased or leased. The ramification of this course of action would likely mean that access to the lower Ruby River in these specified locales would be cut off eventually as tolerance with free public access erodes or ownerships change hands and the private landowners prevent public use of these sites. Other willing sellers or lessors are known to FWP in this reach of the Ruby River, however the properties under consideration in this proposal (with the exception of the DNRC property) represent the highest ranked properties available under the format defined within the Lower Ruby River Fishing Access Plan. Funding limitations within the Fishing Access Account also play a role in limiting the number of property owners who can participate in the Ruby River access program at this point in time. The lower Ruby River Access Plan is an open ended process and other properties can be considered as future funding and opportunity becomes available in the future. The lower Ruby River has been identified as a high priority within Region Three FWP for acquisition of public fishing access sites.

Reduced Action Alternative - under this alternative, some, but not all, of the subject properties would be purchased or leased. The ramification of this course of action would be a reduction in the river miles, acreage, and access points available to the angling public along the lower Ruby River. This course of action would likely concentrate public angling pressure on a reduced segment of river and riparian corridor which could result in some form of resource damage. This course of action would also be contrary to recommendations of the RRATF (maximize angler dispersal and distribution) and the lower Ruby River Fishing Access Plan.

3. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency: N/A

4. Based on the significance criteria evaluated in this EA, is an EIS required? YES / NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

This environmental review demonstrates that the impacts of the proposed project are not significant, therefore an EIS is not necessary and an Environmental Assessment is the appropriate level of analysis.

5. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

Legal notices requesting public comment on the Ruby River access site acquisition proposal, and informing interested persons of public meetings will be published in the Helena Independent Record, Montana Standard, Dillon Tribune-Examiner, and the Madisonian newspapers. The public meetings are planned for the Sheridan High School cafeteria in Sheridan on Tuesday, June 17, 1997, and at the War Bonnet Inn, 2100 Cornell, in Butte on Wednesday, June 18, 1997, to accept oral or written public comment. Both public meetings will start at 7 p.m. Copies of this EA will be distributed to all neighboring landowners, FWP Region Three's standard distribution list, and all interested parties requesting a copy.

6. Duration of comment period if any:

Public comment will be accepted for a thirty day period from June 9 through **July 10, 1997**. The FWP Commission will act on this proposal at their scheduled **July 17, 1997** meeting in Helena.

7. Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:

Richard Oswald
Montana Fish, Wildlife & Parks
730 1/2 N. Montana
Dillon, MT 59725
(406)683-9310

PART III. NARRATIVE EVALUATION A

Long Range Planning

Acquisition of the Maloney property by fee title purchase will render management of that property to FWP for as long as it is owned by FWP. The property is proposed for acquisition under the Fishing Access Program and is to be considered as such under the analysis presented in this document. Future management of the property will be determined under a site management plan which will be determined at some future date. Management considerations such as grazing treatment, limited hunting opportunities, trapping, educational opportunities, and other opportunities that do not conflict with management of the property as a public Fishing Access Site will be analyzed at that time.

Vicinity Map of Proposed Fishing Access Sites

TWIN BRIDGES

SHERIDAN

Barnosky
Property

LAURIN

Guinnane
Property

ALDER

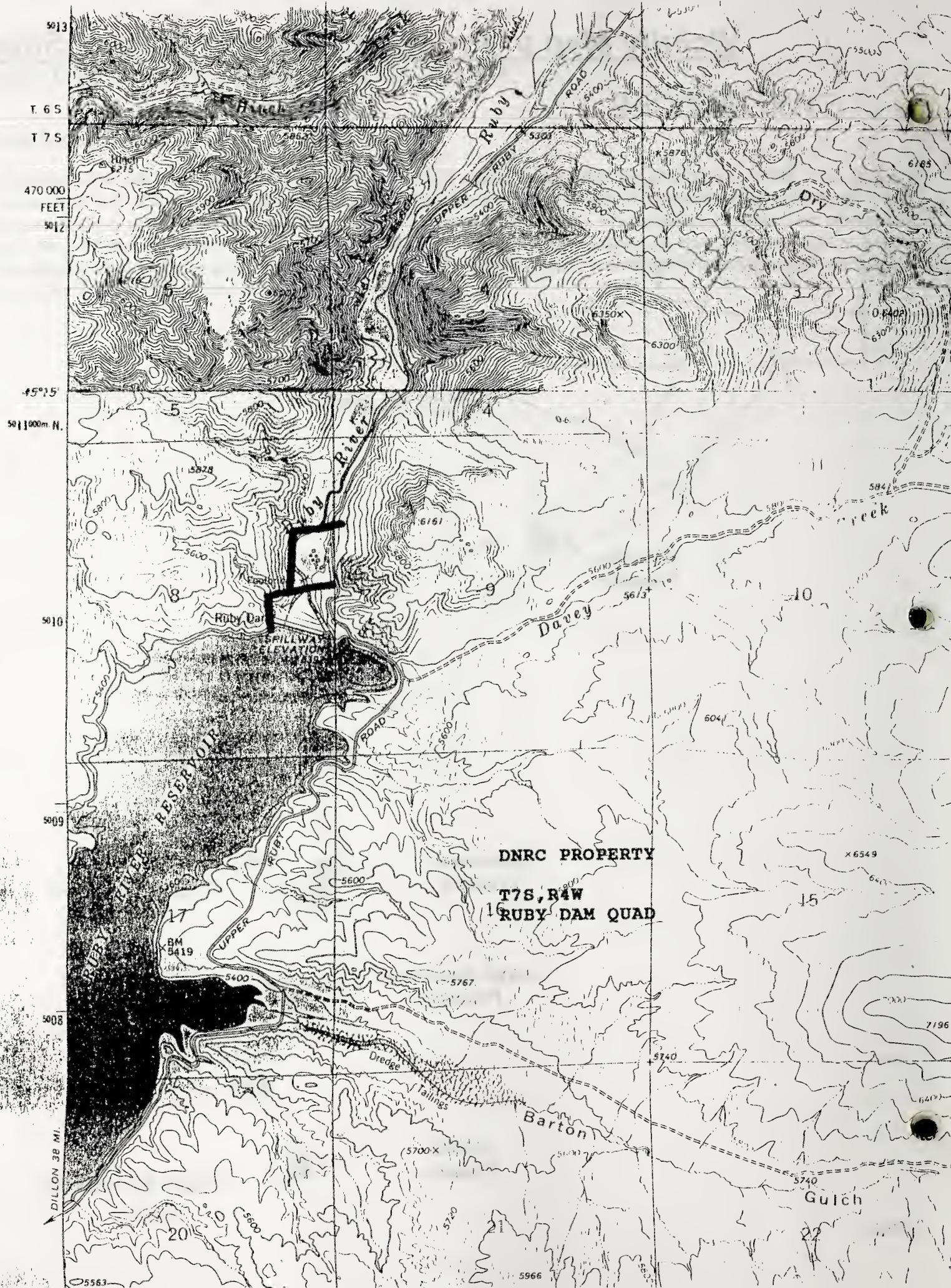
Lower Sauerbier
Property

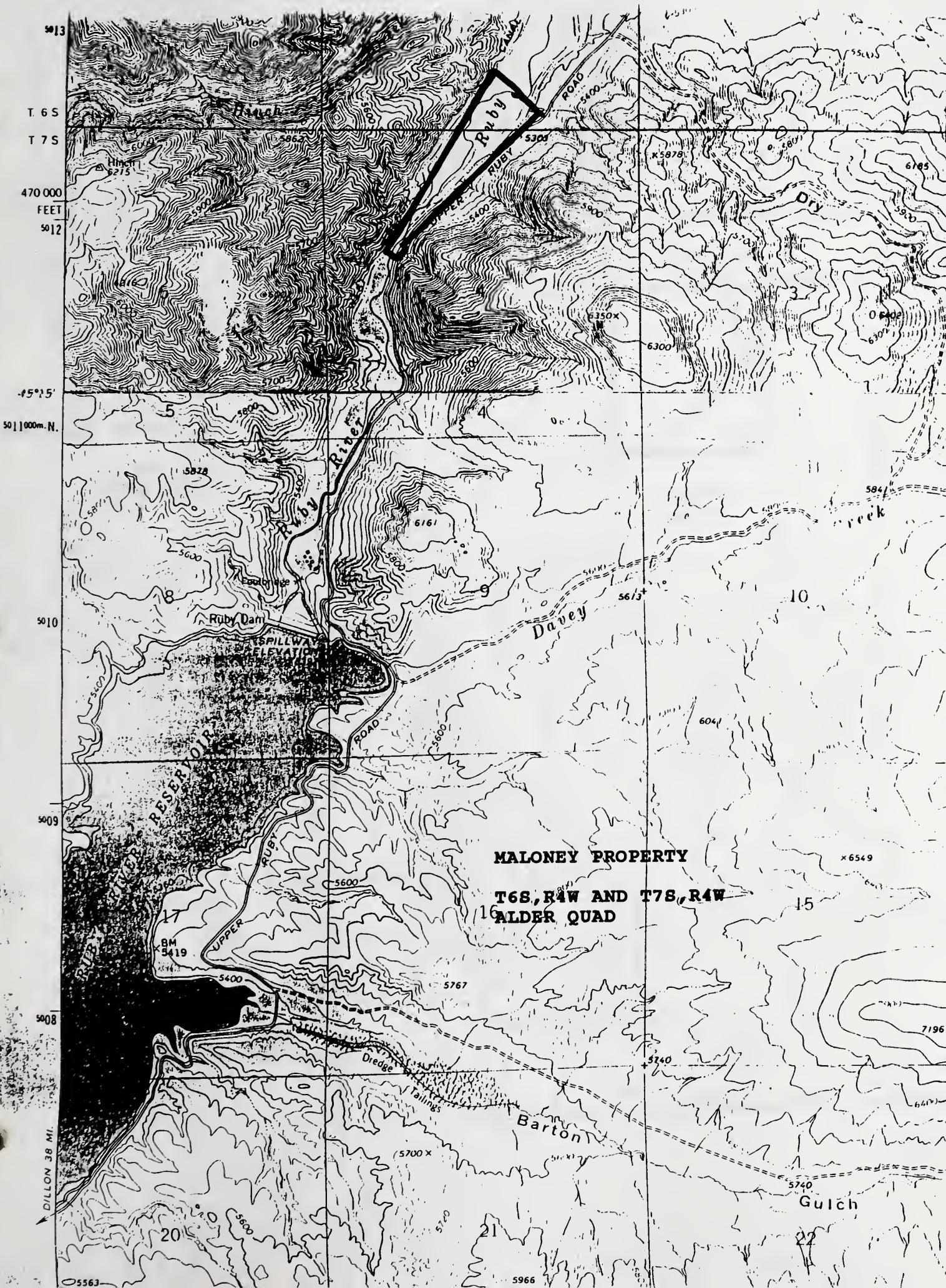
Upper Sauerbier
Property

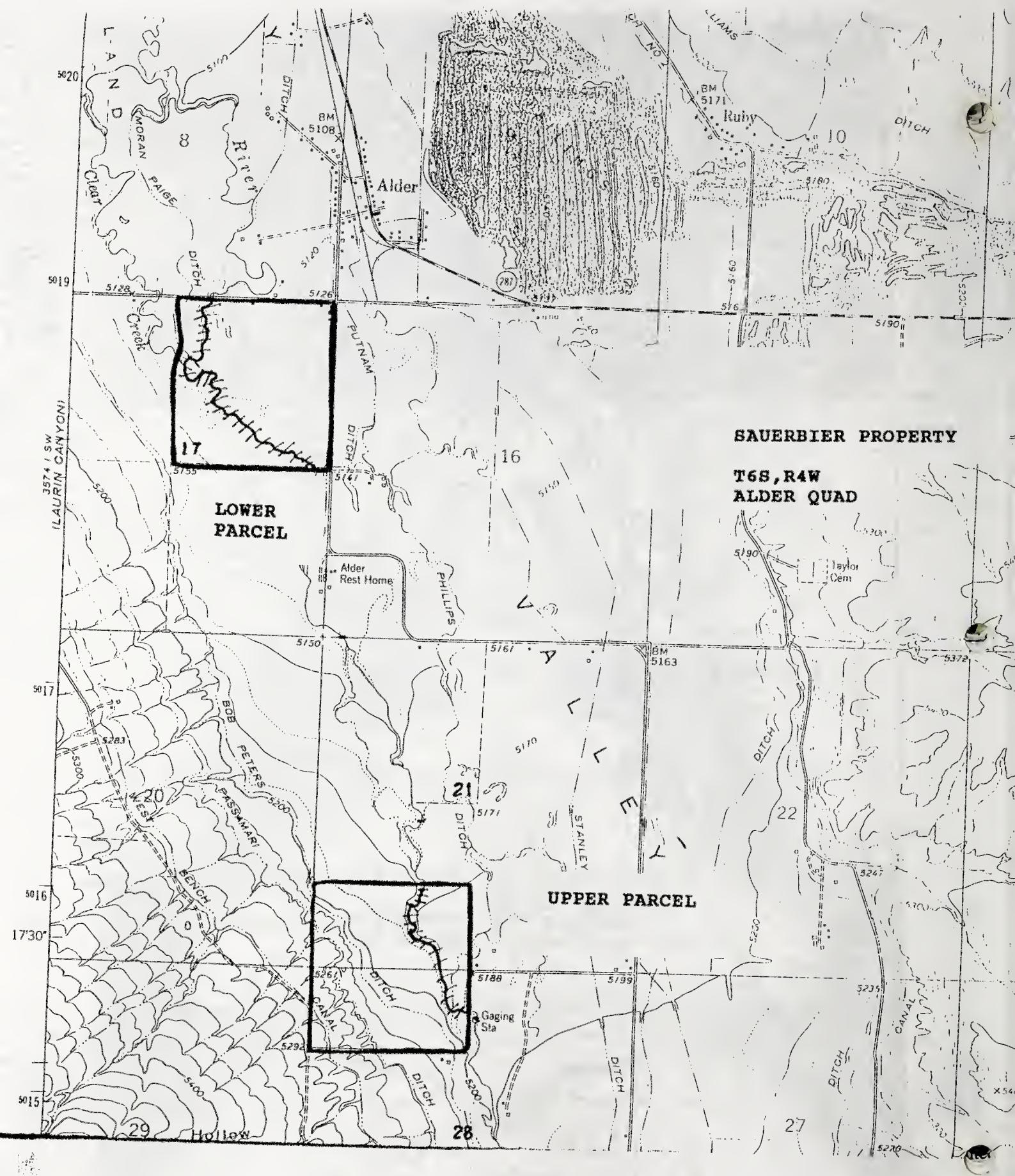
DNRC
Property

Maloney
Property

Ruby Reservoir
Dam

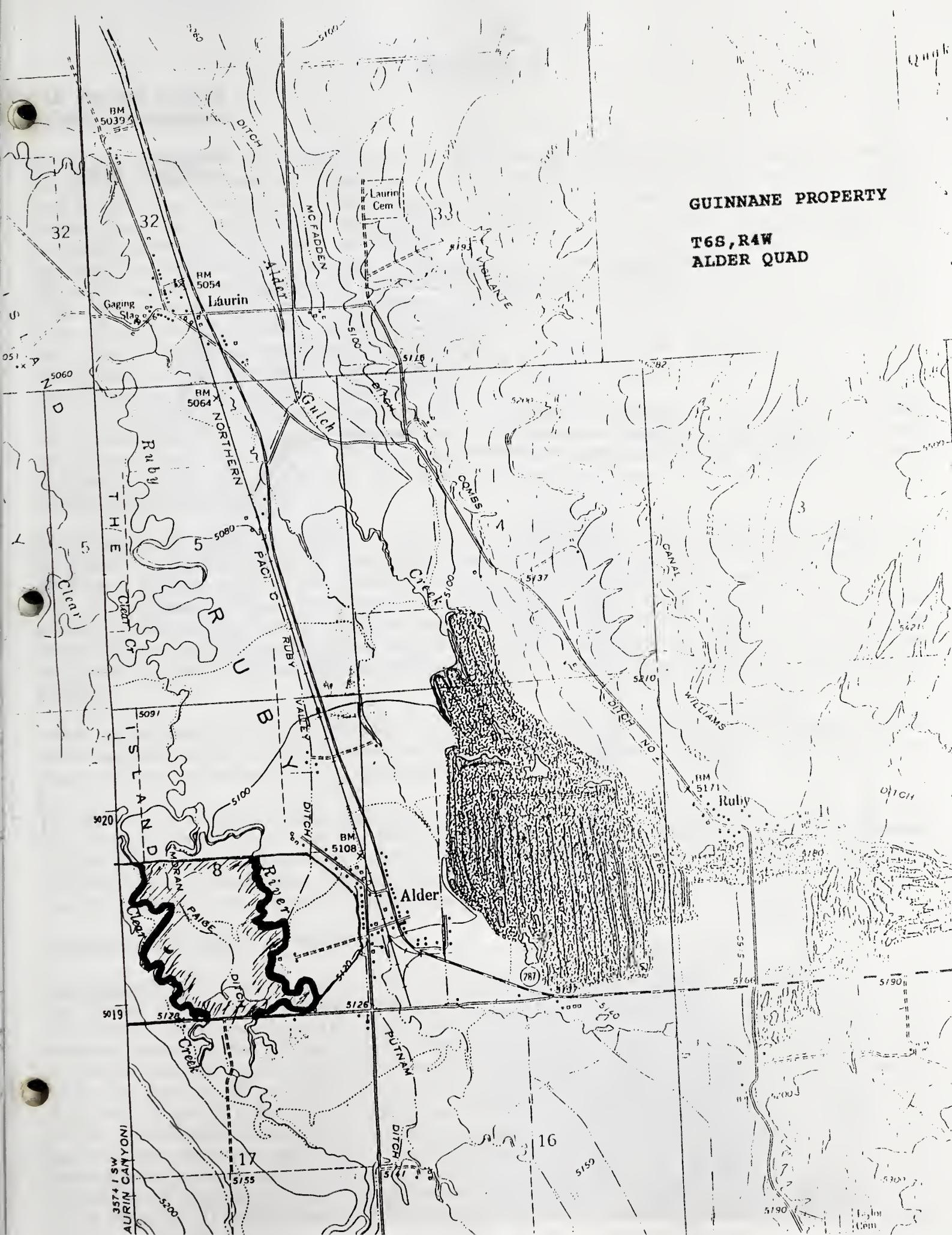


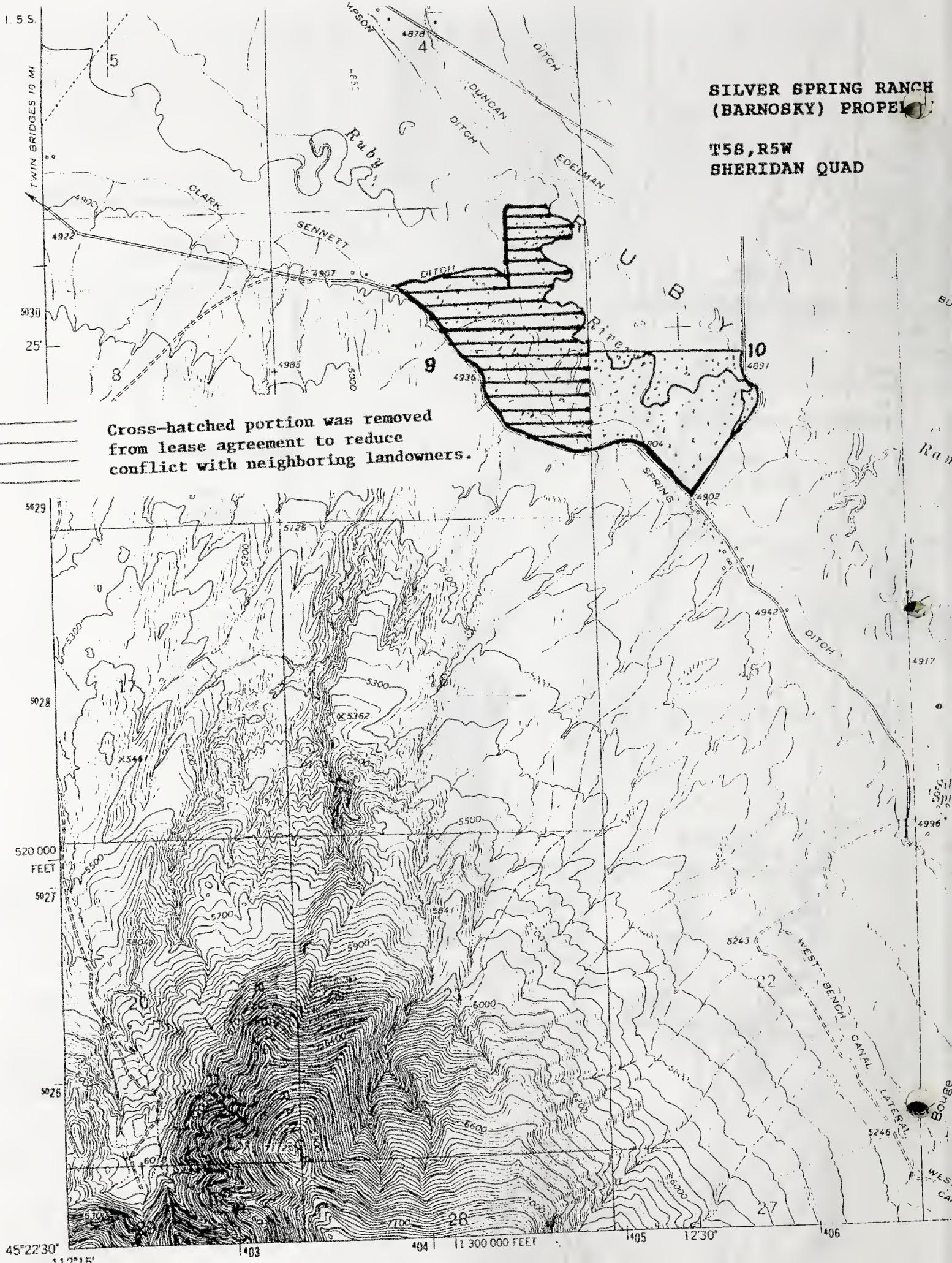




GUINNANE PROPERTY

T6S, R4W
ALDER QUAD





APPENDIX A

MALONEY PROPERTY

Fish Population Quality: The trout population within the upper portion of the Maloney property was sampled in 1994, '95, and '96 as part of the Passamari study section. The section runs between the Main Canal Diversion and the bend upstream from the Ruby Canyon Ditch Diversion. The trout population consists of both brown and rainbow trout. The brown trout originate from resident wild stocks while the rainbow trout originate from wild strain stock (generally Eagle Lake) planted in the Ruby Reservoir. This upper reach of the river (dam to Hinch Creek Road) supports the only significant rainbow trout population in the lower Ruby River. The observed densities of Age I and older brown and rainbow trout were calculated at 395 per mile and 313 per mile, respectively, in 1996. These numbers reflect an increasing trend since the 1994 dewatering of Ruby Reservoir and subsequent fish kill. Numbers of rainbow trout are largely dependant upon the magnitude and duration of flow over the dam spillway. Numbers of large brown trout are exceptional for the Ruby River (18 inch plus fish at 124 per mile; 20 inch plus fish at 39 per mile). Numbers of large rainbow trout (16 inch plus) were calculated at 45 per mile. Thirteen inch and larger brown trout composed 84.6% (334 per mile) of the population while 16 inch plus brown trout accounted for 63.5% (251 per mile) of the population. Thirteen inch plus rainbow trout were estimated at 226 per mile and accounted for 72.2% of the population. The brown trout population, in terms of both density and biomass, was skewed toward large fish with the modal point at 17 - 18 inch fish. The rainbow trout population was also skewed toward large fish with both density and biomass modes at 14 - 15 inch fish. The average brown trout in the sample was 15.71 inches in length and 1.66 lbs in weight with an average Condition Factor of 39.55. Sampled rainbow trout averaged 14.02 inches and 1.13 lbs. with an average Condition Factor of 38.40.

Fish Habitat Quality: Habitat was evaluated August 28, 1996. The upper parcel is in an entrenched canyon condition. The lower parcel is typical of a transition area where the stream entrenched in a canyon encounters a broader valley floor. As such the channel is beginning to establish more meander and more riffle - pool periodicity typical of a productive C type channel. Many of the pools are more typical of deep incised runs below steep riffle shears. Access to floodplain is generally adequate to exceptional. Only one steep actively eroding bank was observed near the lower end of the property. Two meanders along the toe of the west canal bank have been altered with rock rip rap as well as the bank where the Ruby Canyon Ditch is piped underground. A small area of backwater and subsequent deposition is created at the Ruby Canyon Ditch diversion and headgate.

Woody riparian diversity and vigor are exceptional. Recruitment appears high and in ample contact with accessible floodplain. Major components include willow, cottonwood, water birch, dogwood, alder, rose, snowberry, and buffalo berry. An abundance of spotted knapweed is obvious along canal banks.

Streamflow within the property reach varies tremendously with storage and dam releases from the reservoir as well as irrigation and stockwater demand at the main diversion and Ruby canyon diversion. Peak runoff flows can be extreme and result in a great deal of scour within the channel. Flows during the irrigation season (May - mid October) remain ample. Flows during the nonirrigation season can be minimal and drop as low as 25 cfs. Late season dam releases can show high turbidity from fine sediments or concentrations of planktonic algae.

SAUERBIER RANCHES, INC. PROPERTY

Fish Population Quality: The trout population of the upper parcel was sampled as part of the Alder Section in 1984. At that time, the study section supported 1284 Age II and older brown trout per mile. More recent data has been collected from the Stanley Section (1994) located about 0.6 mile upstream from the upper Sauerbier parcel and the Guinnane-Ruby Section (1996) immediately downstream from the lower Sauerbier parcel. The trout population of the Sauerbier property is almost entirely composed of wild resident brown trout. A few rainbow trout (spill from the Ruby Reservoir) may be found on the property but these fish would be considered rare. Numbers of Age I and older brown trout were estimated at 783 per mile in the Stanley Section and 1334 per mile in the Guinnane-Ruby Section. Numbers of large brown trout (18 inch plus) were estimated at 18 per mile in the Stanley Section and 14 per mile in the Guinnane Section. Numbers of 20 inch and larger fish are low with the loss of "tailwater affect" and higher brown trout densities relative to sections closer to the dam. None were observed in the Guinnane Section while the estimate for the Stanley Section was 1 per mile. Thirteen inch and larger fish represented 60.4% (473 per mile) of the population in the Stanley section and 40.8% (544 per mile) of the population in the Guinnane-Ruby Section. Mature fish (16 inch plus) represented 16.5% (129 per mile) of the population in the Stanley section and 5.9% of the

population (79 per mile) in the Guinnane-Ruby Section. The population density of the Stanley Section was bimodal for 9 - 11 inch and 13 - 16 inch fish while the biomass was skewed toward 14 - 17 inch fish. The population density of the Guinnane Section was skewed toward 11 - 14 inch fish while population biomass was skewed toward 11 - 16 inch fish. The average length and weight of sampled fish in the Stanley Section was 13.14 inches and 0.92 lbs. as compared to 12.6 inches and 0.79 lbs in the Guinnane Section. Mean Condition Factor for sampled fish was 36.91 in the Stanley Section and 36.34 in the Guinnane Section.

3. **Fish Habitat Quality:** Habitat was evaluated on October 29, 1996. The channel in both parcels has become atrophied with many years of flow management from the Ruby Dam. Recent high runoff events have resulted in a large amount of scour and bedload movement in the upper parcel. High eroded banks are common and the channel is quite entrenched. Some of the bank erosion is exacerbated by the overland flow of irrigation water. A Future Fisheries Improvement project was implemented along one of these banks in 1996 to control some of the bedload recruitment within the reach. Steep incised pools, typical of atrophied channels, are relatively common and represent some of the best habitat in the parcel. A large amount of rip rap has been applied along the Phillips Ditch bank which suffered a washout in 1995. In channel habitat is better in the lower parcel. This reach is a more typical riffle-pool alternated C channel. It is also entrenched with many eroding and sloughing meander banks as the channel has attempted to gain more length and reestablish contact with floodplain. This condition is most prevalent below the head of the Clear Creek channel. Some old rip rap can be observed near the Alder bridge and an upstream area along a long shallow riffle has been rip rapped and diked. Riffle pool periodicity is good in the lower parcel.

Woody riparian diversity and recruitment is good in the upper parcel with the exception of meander bends that contact high terraces along hay meadows. Channel entrenchment, however, often results in no direct contact between floodplain and woody riparian cover and banks eroded below the rootline. In upper portions of the lower parcel, woody riparian development is good to excellent, especially at a large wetland area along the west bank. In lower portions of the lower parcel, especially below the Clear creek channel split, woody development is poor on the outside of meanders and good on the immediate point bars.

Flow is often low through the Sauerbier property. Large canal diversions above the property take large amounts of water while 4 ditches throughout the property reach increase diversion from the channel. These ditches include the Putnam, Phillips, and Little Phillips as well as the diversion at the Clear Creek Channel. Flow shortages have been experienced within the reach as early as May in drought years. The property lies within a reach where irrigation diversion is maximized and subflow recharge and tributary inflow have not yet begun to enter back into the system. High runoff flows (1984, 1995, 1996) over the spillway of the Ruby dam result in much erosion bedload movement in the atrophied channel.

GUINNANE PROPERTY

Fish Population Quality: The trout populations of both the Ruby and Clear Creek channels were sampled in 1996. The trout population is dominated by wild resident brown trout in both channels. The observed densities of Age I and older brown trout were estimated at 1334 per mile in the main Ruby channel and 511 per mile in the Clear Creek channel. Numbers of large brown trout (18 inch plus) were calculated to be 14 per mile in the Ruby channel and 1 per mile in the Clear Creek channel. In the main Ruby channel, numbers of 13 inch plus fish composed 40.8% (544 per mile) of the population while mature fish (16 inch plus) composed 5.9% (79 per mile) of the population. In Clear Creek, 13 inch plus fish composed 29.2% (149 per mile) of the population and mature fish (16 inch plus) composed 2.9% (15 per mile) of the population. The population density in the main Ruby channel was skewed toward 11 - 14 inch fish while the population of Clear Creek channel was strongly unimodal with 11 - 12 inch fish. The biomass of the main Ruby channel was skewed toward 11 - 16 inch fish while the Clear Creek biomass still showed a strong mode at the 11 - 12 inch fish. Average length and weight of sampled fish in the Ruby channel was 12.6 inches and 0.79 lbs. while the Clear Creek fish averaged 12.12 inches and 0.69 lbs. Mean Condition Factor was 36.34 in the main Ruby channel and 35.86 in the Clear Creek Channel.

3. **Fish Habitat Quality:** Habitat was evaluated on August 30, 1996 on both channels on the property. The main Ruby channel is atrophied and very entrenched. Large mid channel gravel bars are abundant but riffle - pool periodicity is good. Lateral bank erosion is the predominant feature on meanders that have not been treated with rip rap. Rip rapped banks are abundant. The main channel does another split around an island below the ranch bridge. The Clear Creek channel is also entrenched but exhibits a very low width / depth ratio. The channel is only about 20 feet wide with a very high riffle pool periodicity. There appears to be a wide niche diversity due to undercut, pools, and woody debris features. Much old overgrown rip rap can be observed but there is still a fairly high frequency of eroded banks.

Woody riparian development on the main channel is good to fair between the county road bridge and the ranch bridge and poor throughout the rest of the property. The entrenched channel generally isolates much of the better riparian covers from direct floodplain contact and an erosional layer can be observed along the banks below the root line. Much of the channel below the ranch bridge directly abuts feedlot corrals. A year round horse and catchall pasture behind the ranch buildings exhibits very poor riparian recruitment. The Clear Creek channel exhibits a very narrow riparian stringer through closely cropped hay meadows. Despite the narrow width of willow, the riparian corridor is vigorous and shows strong recruitment.

Flow, in the main Ruby channel is often low during much of the irrigation season. Large diversions upstream use significant amounts of water while little tributary flow or subflow exist for recharge. Flow shortages within the reach have been experienced as early as May. The Ruby Valley Ditch diversion is located downstream from the ranch corrals. Flows in the Clear Creek channel remain ample during the irrigation season as they are augmented by a diversion structure at the channel split. Flows in this channel are substantially reduced following the irrigation season, however.

SILVER SPRING RANCH (BARNOSKY) PROPERTY

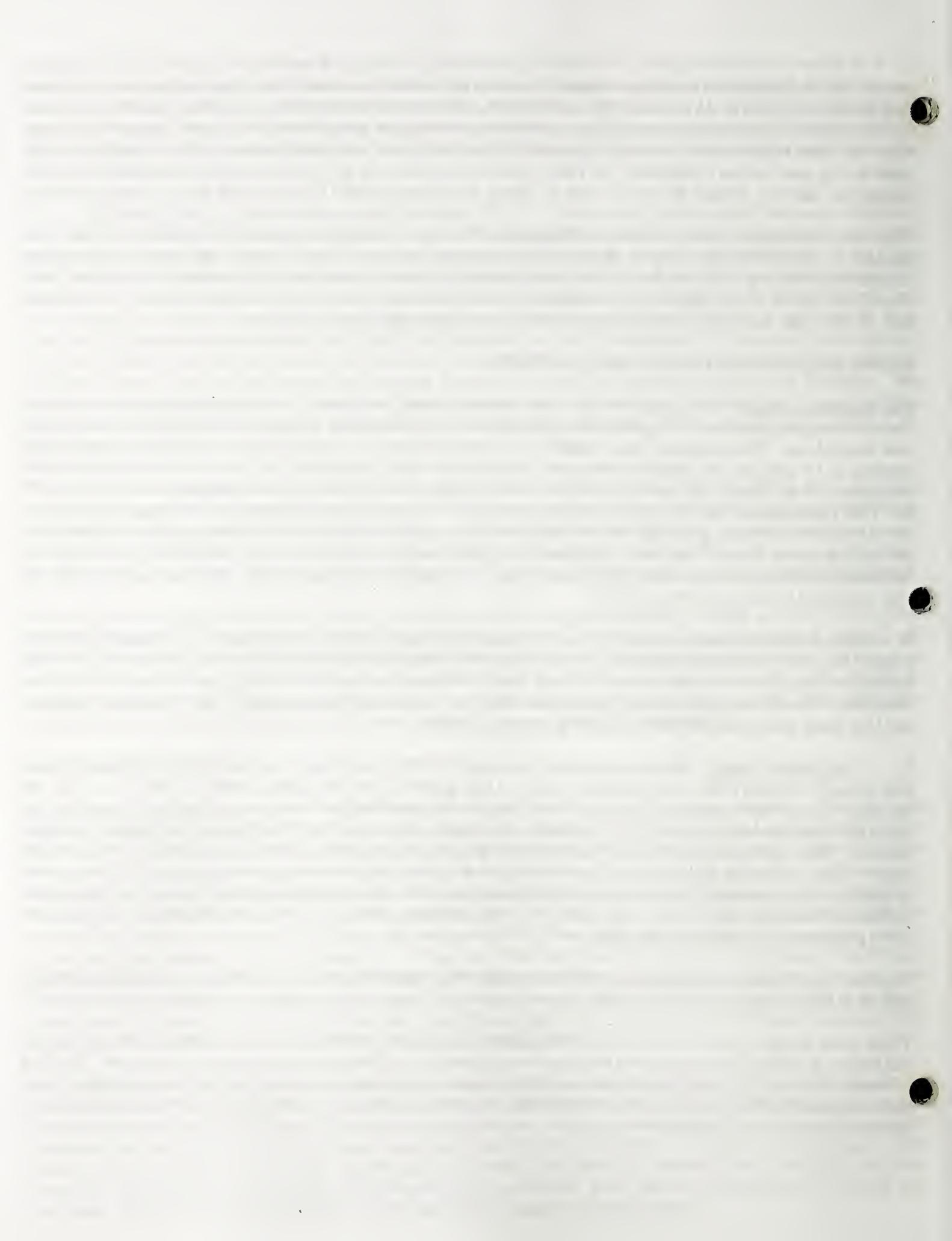
Fish Population Quality: Trout populations have been monitored since 1989 in the Silver Spring Study section which ends about 1/4 mile upstream from the proposed access parcel. From 1989 through 1992, spring numbers of Age II and older brown trout hovered near 1500 per mile or more. Numbers of 13 inch and larger fish ranged between 400 and 500 per mile while numbers of 16 inch plus fish ranged between about 30 and 60 per mile. Beginning in 1993, brown trout numbers declined precipitously in the section. This decline was concomitant with the discovery of Whirling Disease in the section in early 1995. The 1996 population estimate for Age II and older brown trout was 473 per mile. Thirteen inch and larger fish composed 45.5% (215 per mile) of the population while 16 inch plus fish composed 5.9% (28 per mile) of the population. Eighteen inch and larger fish were scarce at 3 per mile. Population density was somewhat bimodal at 10 - 11 inch fish and 14 - 15 inch fish but biomass was heavily skewed to the larger length groups. The sampled fish averaged 13.09 inches in length and 0.83 lbs. with an average Condition Factor of 34.02.

In addition, the trout population of the Roylance Section, about 2/3 mile downstream from the lower Shapnick - Barnosky property boundary, was sampled in the fall of 1995. Results of this sampling indicated a brown trout population of 1381 Age I and older fish per mile and high numbers of large fish. This sample is viewed with a large degree of uncertainty due to abnormally low mark and capture sample size and abnormally low recapture efficiency related to extremely high river flows and high water temperatures prevalent during the sampling process.

3. **Fish Habitat Quality:** Habitat was evaluated on August 29, 1996. The channel is a typical C Type (Rosgen) offering high sinuosity and high riffle - pool periodicity typical of high quality brown trout habitat. Niche diversity is very high and associated with overhead cover and scour pockets in riffles. The channel is slightly entrenched but appears to be moving out of the entrenched condition. Actively eroding banks are infrequent with only 2 or 3 observed and are confined to elevated terraces. Width -depth ratio is very low. Some very old rip rap can be observed at 5 or 6 locations but is overgrown with mature willow. Floodplain function appears sound as evidenced by lush willow and sedge growth on point bars. Two channel splits occur within the reach and several large mid channel gravel bars result in additional channel splits. Somewhat higher gradient and more evidence of active bank erosion was evident downstream from the Thomsen Ditch blowoff in the portion of the property shared with David Shapnick.

Riparian vigor, diversity and recruitment were exceptional. The woody riparian buffer is expansive although it becomes somewhat narrow along the Thomsen Ditch. Superior willow and sedge succession can be observed on point bars.

Flows in this portion of the river have always been ample in the past. Silver Spring, the return of the Clear Creek channel, and subflow accretions generally result in the stable flows observed at the Silver Spring bridge over the recent past. The Clark Sennett Ditch and Thomsen Ditch represent major diversions within the section and have resulted in past flow depletions. Actions taken by the Ruby River Task Force should improve flow regimes below the Thomsen ditch and mitigate downstream shortages that have been observed in the past.



Lower Ruby River Final Development
Environmental Assessment



MEPA/NEPA/HB495 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of Proposed State Action Development of fishing access sites.
2. Agency Authority for the Proposed Action The 1977 Montana Legislature enacted statute 87-1-605 which directs FWP to acquire, develop and operate a system of fishing accesses. The legislature established an earmarked funding account to ensure this function would be accomplished.
3. Name of Project Ruby River Fishing Access Sites Development.
4. Name, Address and Phone Number of Project Sponsor (if other than the agency)
FWP sponsored.
5. If Applicable:
Estimated Construction/Commencement Date Spring, 1998
Estimated Completion Date Summer, 1998
Current Status of Project Design (% complete) 75%
6. Location Affected by Proposed Action (county, range and township)
Department of Natural Resources & Conservation (DNRC) property: Madison County, T-7S, R-4W, Sec. 8.
Mike Maloney property: Madison County, T-6S, R-4W, Sec. 33.
Upper Sauerbier property: Madison County, T-6S, R-4W, Sec. 28.
Lower Sauerbier property: Madison County, T-6S, R-4W, Sec. 17.
Barnosky property: Madison County, T-5S, R-5W, Sec. 10.
7. Project Size: Estimate the number of acres that would be directly affected that are currently:
DNRC Property

(a) Developed:	(d) Floodplain acres
residential acres	(e) Productive:
industrial acres	irrigated cropland acres
(b) Open Space/Woodlands/ Recreation acres	dry cropland acres
(c) Wetlands/Riparian Areas acres	forestry acres
	rangeland acres
	other old mine tailings 0.5 acres

Maloney Property

(a)	Developed:		(d)	Floodplain	acres
	residential	acres			
	industrial	acres	(e)	Productive:	
(b)	Open Space/Woodlands/			irrigated cropland	acres
	Recreation	acres		dry cropland	acres
(c)	Wetlands/Riparian			forestry	acres
	Areas	acres		rangeland	0.5 acres
				other	acres

Upper Sauerbier Property

(a)	Developed:		(d)	Floodplain	0.5 acres
	residential	acres			
	industrial	acres	(e)	Productive:	
(b)	Open Space/Woodlands/			irrigated cropland	acres
	Recreation	acres		dry cropland	acres
(c)	Wetlands/Riparian			forestry	acres
	Areas	acres		rangeland	acres
				other	acres

Lower Sauerbier Property

(a)	Developed:		(d)	Floodplain	acres
	residential	acres			
	industrial	acres	(e)	Productive:	
(b)	Open Space/Woodlands/			irrigated cropland	0.5 acres
	Recreation	acres		dry cropland	acres
(c)	Wetlands/Riparian			forestry	acres
	Areas	acres		rangeland	acres
				other	acres

Guinnane Property

No development planned.

Barnosky Property

(a)	Developed:		(d)	Floodplain	0.5 acres
	residential	acres			
	industrial	acres	(e)	Productive:	
(b)	Open Space/Woodlands/			irrigated cropland	acres
	Recreation	acres		dry cropland	acres
(c)	Wetlands/Riparian			forestry	acres
	Areas	acres		rangeland	acres
				other	acres

8. **Map/site plan:** attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.

Vicinity map and site plans for 5 properties attached.

9. **Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action.**

In the interest of facilitating the acquisition of public fishing access on the Ruby River in southwestern Montana, a citizen's task force was formed at the request of the Governor's Office and FWP in January of 1996. The Ruby River Access Task Force (RRATF) analyzed the public fishing access issue and needs on the lower Ruby River (from Ruby Reservoir Dam downstream to the Beaverhead River) and presented a Final Report in May 1996 which included a recommended Public Access Alternative. As a result of the actions of the RRATF, FWP wrote and adopted a Lower Ruby River Fishing Access Plan in June, 1996. The RRATF concluded that unrestricted free public angling access to the lower Ruby River was insufficient and further concluded that opportunities for non-paying anglers were likely to continue to decline. As a result, the Task Force recommended that FWP pursue the acquisition of public fishing access sites distributed throughout the length of the lower Ruby River, preferably distributed throughout three reaches designated as the upper, middle and lower access reaches.

Since the release of the RRATF Final Report and the Ruby River Access Plan, FWP has negotiated with the owners to acquire the properties upon which the five access sites delineated above are located. The acquisition package includes fee title purchase, long term lease and short term leases. Concurrent with the release of this Ruby River Development Environmental Assessment (EA), the Ruby River Acquisition EA is also being released and is enclosed. Development of the five listed sites is contingent on successful acquisition of the properties, which includes the following components: demonstrated public support established through the EA process and comment period, Fish, Wildlife & Parks Commission approval and Land Board endorsement.

As a part of the RRATF Final Report and Ruby River Access Plan, implementation guidelines were delineated, many of which deal with and provide guidance for development and ongoing operation and maintenance of the sites. Those guidelines which pertain to development and operation and maintenance are listed below:

1. The lower Ruby River is not large enough to be easily and safely navigated throughout much of it's length. It is crossed by many fences, ranch access bridges, and irrigation diversions as well as being subject to variable flow regimes dependant upon releases from the Ruby Dam. While it is presumed that some floating will occur in the lower Ruby, the most practical approach to fishing access is combination of bank and wade fishing. For these reasons, boat ramps are not components of Ruby River fishing access sites.
2. In order to reduce crowding and the potential for environmental degradation, FAS parking areas should be limited in size to accommodate no more than five passenger vehicles per mile of river access.
3. The RRATF noted a concern for maintenance, litter control, weed control, and signing at Ruby fishing access sites. Part of the concern centered around boundary fencing to prevent trespass on neighboring ownerships. It is therefore recommended that FWP employ seasonal personnel or private contractors to regularly maintain fishing access sites along the lower Ruby under a format similar to those in operation on other area rivers. It is further recommended that the seasonal employee perform routine fishing access site related maintenance activities on private lands which provide unrestricted public access free of charge.
4. Due to the recommended limited size of parking facilities and high associated maintenance costs as well as neighboring landowner concerns, camping is not a component of Ruby River fishing access sites.

Based on these guidelines and negotiations with individual landowners, the following development actions (with cost

estimates) are proposed:

Department of Natural Resources & Conservation property

The DNRC property is located immediately downstream from the Ruby Reservoir dam in the Upper Access Reach as defined in the Ruby Access Plan. Proposed improvements at this site would include fencing, cattleguard, signing, vault latrine, parking area and trail to river (see attached site plan). Costs for these improvements are estimated at \$29,500.

Mike Maloney property

The Maloney property is located about two miles downstream from the Ruby Reservoir dam in the Upper Access Reach as defined in the Ruby Access Plan. Proposed improvements at this site would include road, parking area, trail to river, fencing, signing, barriers, cattle guard, and pedestrian bridge (see attached site plan). FWP has determined that it may be desirable to install a latrine at this site at a future date. Costs for these improvements (less the latrine) are estimated at \$23,000.

Upper Sauerbier property

The Upper Sauerbier property is located at Coy Brown Bridge near Alder, Montana in the Upper Access Reach as defined in the Ruby River Access Plan. Proposed improvements at this site would include road, parking area, fencing, and signing (see attached site plan). Costs for these improvements are estimated to range between \$2,000 and \$4,000.

Lower Sauerbier property

The Lower Sauerbier property is located at the Alder Bridge near Alder, Montana in the Upper Access Reach as defined in the Ruby River Access Plan. This development will also serve the adjacent downstream Guinnane lease. Proposed improvements at this site would include road, parking area, fencing, and signing (see attached site plan). Costs for these improvements are estimated to range between \$2,000 and \$4,000.

Barnosky property

The Barnosky property is located downstream from the Silver Spring Bridge about three miles southwest of Sheridan, Montana. It is located in the Lower Access Reach as defined in the Ruby Access Plan. Proposed improvements at this site would include road, parking area, and signing. (see attached site plan). Costs for these improvements are estimated to range between \$1,500 to \$2,500.

The total cost estimate to develop the five sites listed above = \$58,000 to \$63,000.

10. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits:

<u>Agency Name</u>	<u>Permit</u>	<u>Date Filed/#</u>
Madison County	Weed Permit	To be filed.
Madison County	Sign Erection Permit	To be filed.
Madison County	Approach Permit	To be filed.

(b) Funding:

Agency Name Funding Amount

Fish, Wildlife & Parks \$58,000 to \$63,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name Type of Responsibility

N/A

11. List of Agencies Consulted During Preparation of the EA:

Montana Department of Commerce, Travel Promotion & Development Division
State Historic Preservation Office (SHPO)

PART II. ENVIRONMENTAL REVIEW

1. CHECKLIST

PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
► a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?			X			See 1b. Below
► c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

1b. Where roads and parking areas are developed, over-covering of soil will occur. These impacts would be minimal and to control unwanted, random vehicle use that often results in compromising large areas of vegetation and causing increased erosion.

PHYSICAL ENVIRONMENT

2. <u>AIR</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
► a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge which will conflict with federal or state air quality regs? (Also see 2a)		N/A				
f. Other <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

- ✿ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ◆ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ◆ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

3. WATER	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
► a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
I. Effects on any existing water right or reservation?		X				
Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ♦♦For P-R/D-J, will the project affect a designated floodplain? (Also see 3c)		N/A				
m. ♦For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		N/A				
n. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

4. VEGETATION	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			See 4a. Below
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?			X			See 4d. Below
e. Establishment or spread of noxious weeds?			X			See 4e. Below
f. ♦♦For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		N/A				
g. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation Resources (Attach additional pages of narrative if needed):

4a. Vegetation will be removed or over-covered where roads and parking areas are developed. The delineation of roads and parking areas serves to contain vehicles and discourage random driving, which tends to impact remaining vegetation in a ~~more~~ severe manner.

4d. Most of the parking areas proposed in this EA will be developed on property presently being used for livestock grazing or hay production and will be removed from agricultural productivity. These areas have been kept to a minimal size and will result in only a minor reduction in agricultural acreage.

4e. Construction activities to develop the roads and parking areas typically create the conditions which aid in the establishment of noxious weeds. Development plans will require seeding, with native seed mixes, all areas disturbed during the construction process. Subsequent weed control activities will conform to the FWP Region Three Weed Management Plan and will be coordinated with the Madison County weed supervisor.



- Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

5. FISH/WILDLIFE	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. ♦♦For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)		N/A				
I. ♦For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		N/A				
j. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish/Wildlife Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Resources (Attach additional pages of narrative if needed):

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

7. <u>LAND USE</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:			X			See 7a. Below
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown has not or can not be evaluated. impact

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

7a. As discussed under 4d., small areas currently under some form of agricultural production will be developed for roads and parking areas. The overall impact on agricultural productivity is negligible.

HUMAN ENVIRONMENT

8. <u>RISK/HEALTH HAZARDS</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:			X			
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. ♦For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		N/A				
e. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown has not or can not be evaluated. impact

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (Attach additional pages of narrative if needed):

- Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

9. COMMUNITY IMPACT	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?			X			See 9c. Below
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X			See 9e. Below
f. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Resources (Attach additional pages of narrative if needed):

9c. Development of the proposed sites will accommodate increased use of the Ruby River by anglers. This is expected to result in an increased demand for local goods and services which should increase localized income. The acquisition of the fee title and leased sites by the Department will preclude outfitters from leasing the exclusive angling use on these properties. While this could have some negative economic impact on individual outfitters, they still have the opportunity of leasing the angling on the remainder of the river from private landowners. Net change to the local economy is expected to be neutral or positive.

9e. Since the properties proposed for development are currently used by anglers, the increase in activity and vehicular traffic due to development is expected to increase slightly in the short term.

HUMAN ENVIRONMENT

10. PUBLIC SERVICES/TAXES/UTILITIES	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify: <u>Site Operation and Maintenance</u>			X			See 10a. Next page
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased used of any energy source?		X				

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

► e. Define projected revenue sources						See 10e. , Below
► f. Define projected maintenance costs.						See 10f. , below
g. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (Attach additional pages of narrative if needed):

10a. The development of the proposed access sites and administration of river corridor leases on the Ruby River will necessitate certain maintenance and operation activities such as litter pickup, weed control, fence repair, road maintenance and other similar services. These will be provided or facilitated by FWP.

10e. Funds to develop the Ruby River access sites will come from FWP's Fishing Access Site Development and Maintenance account which is funded through the sale of fishing licenses.

10f. Maintenance costs are projected to be approximately \$2,045 annually for each of the proposed access sites. Additional maintenance responsibility is being assumed by FWP for leased river corridor properties. The total annual cost for the five sites and leased river corridor lands is estimated to be \$12,000.

- ✿ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

11. <u>AESTHETICS/RECREATION</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
►c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)			X			See 11c. Below
d. ♦For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		N/A				
e. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (Attach additional pages of narrative if needed):

11c. According to Clint Blackwood, Tourism Development Coordinator for the Montana Promotion Division, Department of Commerce, this site development proposal would enhance the area economy in a positive manner (see attached Tourism Report form).

HUMAN ENVIRONMENT

12. <u>CULTURAL/HISTORICAL RESOURCES</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
►a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?	X					See 12a. Below
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ♦♦For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)		N/A				
e. Other: <u>N/A</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (Attach additional pages of narrative if needed):

12a. FWP will conduct a cultural survey for each proposed development site, file a cultural inventory site form and consult with the State Historical Preservation Office when final designs are approved and before any ground disturbance takes place.

- Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

13. SUMMARY EVALUATION OF SIGNIFICANCE	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action, considered as a whole:						
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?	X					See 13e. Below
f. ♦For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		N/A				
g. ♦♦For P-R/D-J, list any federal or state permits required.		N/A				

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown has not or can not be evaluated. impact

13e. Some debate or controversy could originate from private landowners in the vicinity of and immediately adjacent to the proposed access sites. The level of controversy cannot be anticipated at this time. Since the Department's proposed action likely result in an increase in the amount of public fishing from that which currently occurs on the river, the chances for impacting adjoining landowners will also likely increase. To minimize these impacts, the Department will provide and install appropriate signs that delineate property boundaries and the rules that apply to the leased or owned sites.

- Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- ▶ Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

Continue with current angling access opportunities (No Action Alternative):

Continue to provide current opportunities with regard to public angling access to the Ruby River. Implementation of this alternative would eliminate potential problems associated with FWP sponsored purchase of fishing access sites, primarily with neighboring landowners.

This alternative would not adequately meet current or long term goals of the angling public. Information the RRATF has gathered through the questionnaire survey and from informal discussions with landowners tends to support FWP's findings of a decrease in angling use on the Ruby River. It is felt that the current availability of unrestricted free access is less than optimal and without formally secured sites, public use opportunities will continue to decline.

3. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

N/A

4. Based on the significance criteria evaluated in this EA, is an EIS required? YES / NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

This environmental review demonstrates that the impacts of the proposed project are not significant, therefore an EIS is not necessary and an Environmental Assessment is the appropriate level of analysis.

5. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

Legal notices requesting public comment on the Ruby River access site development proposal, and informing interested persons of public meetings will be published in the Helena Independent Record, Montana Standard, Dillon Tribune-Examiner, and the Madisonian newspapers. The public meetings are planned for the Sheridan High School cafeteria in Sheridan on Tuesday, **June 17, 1997**, and at the War Bonnet Inn, 2100 Cornell, in Butte on Wednesday, **June 18, 1997**, to accept oral or written public comment. Both public meetings will start at 7 p.m. Copies of this EA will be distributed to all neighboring landowners, FWP Region Three's standard distribution list, and all interested parties requesting a copy.

6. Duration of comment period if any:

Public comment will be accepted for a thirty day period from June 9 through **July 10, 1997**. The FWP Commission will act on this proposal at their scheduled **July 17, 1997** meeting in Helena.

7. Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:

Jerry Walker
Region Three Parks Program Manager
Montana Fish, Wildlife & Parks
1400 S. 19th
Bozeman, MT 59715
(406) 994-3552

PART III. NARRATIVE EVALUATION AND COMMENT

ADDITIONAL REQUIRED INFORMATION-HB 495

Long Range Planning:

Acquisition of the five fishing access sites and responsibilities assumed for maintenance on river corridor leased properties on the Ruby River will add an additional commitment to the Region Three FAS operation and maintenance unit. Region Three currently operates and maintains 79 sites under the Fishing Access Site program. The regional budget per site average is \$2,045 annually. This includes personnel costs and administrative charges for staff time obligations. An additional site within Region Three, is currently in the process of being purchased (Allen property-Jefferson River).

It is estimated that annual maintenance costs for Ruby River access sites and leased river corridor properties will be \$12,000. This level of funding will allow once per week servicing from May through September, twice per month servicing in the months of March, April, October and November and once per month servicing during the months of December, January, and February.

Acquisition of the Maloney property by fee title purchase will render management of that property to FWP for as long as it is owned by FWP. The property is proposed for acquisition under the Fishing Access Program and is to be considered as such under the analysis presented in this document. Future management of the property will be determined under a site management plan which will be determined at some future date. Management considerations such as grazing treatment, limited hunting opportunities, trapping, educational opportunities, and other opportunities that do not conflict with management of the property as a public Fishing Access Site will be analyzed at that time.

Site Specific Modifications as They Relate to the Entire FAS System:

The proposed development activities are minimal in scope and are therefore within the conservative intent of the entire system. There are no facilities proposed at the Ruby sites that could be interpreted as a divergence from past management.

FWP has identified, through it's strategic planning process, five Department goals. Goal B states, "Provide increased opportunities for public enjoyment of fish, wildlife and parks resources while maintaining our commitment to improve landowner-sports person relations." This proposed development project is intended to accomplish this goal of providing expanded opportunity.

PROJECT QUALIFICATION CHECKLIST
HB 495

Date June 9, 1997 Person Reviewing Gerald Walker

Project Location: Lower Ruby River

DESCRIPTION OF PROPOSED WORK: Development of fishing access sites.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under HB 495 rules. (Please check all that apply and comment as necessary.) Capital Construction projects - Prepared by D & C; Force Account Projects - Prepared by Region.

A. New roadway or trail built over undisturbed land?

Comments: New roadways to be constructed at 4 of 5 proposed access sites.

B. New building construction (buildings < 100 sf and vault latrines exempt)?

Comments: _____

C. Any excavation of 20 c.y. or greater?

Comments: _____

D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?

Comments: New parking lots to be constructed at 5 of 5 proposed access site.

E. Any new shoreline alteration that exceeds a double wide boat ramp or handicapped fishing station?

Comments: _____

[] F. Any new construction into lakes, reservoirs, or streams?

Comments: _____

[] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?

Comments: _____

[] H. Any new above ground utility lines?

Comments: _____

[] I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?

Comments: _____

[] J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects.

Comments: _____

IF ANY OF THE ABOVE ARE CHECKED, HB 495 RULES APPLY TO THIS PROPOSED WORK AND SHOULD BE DOCUMENTED ON THE MEPA/HP495 CHECKLIST. Refer to MPEA/HB495 Cross Reference Summary for further assistance.

cc: Park Managers, Region 1,2,4,5,7
Kevin Redmond
Jeff Erickson
Project File

Ruby River Fishing Access Site Development

VICINITY MAP

Barnosky FAS

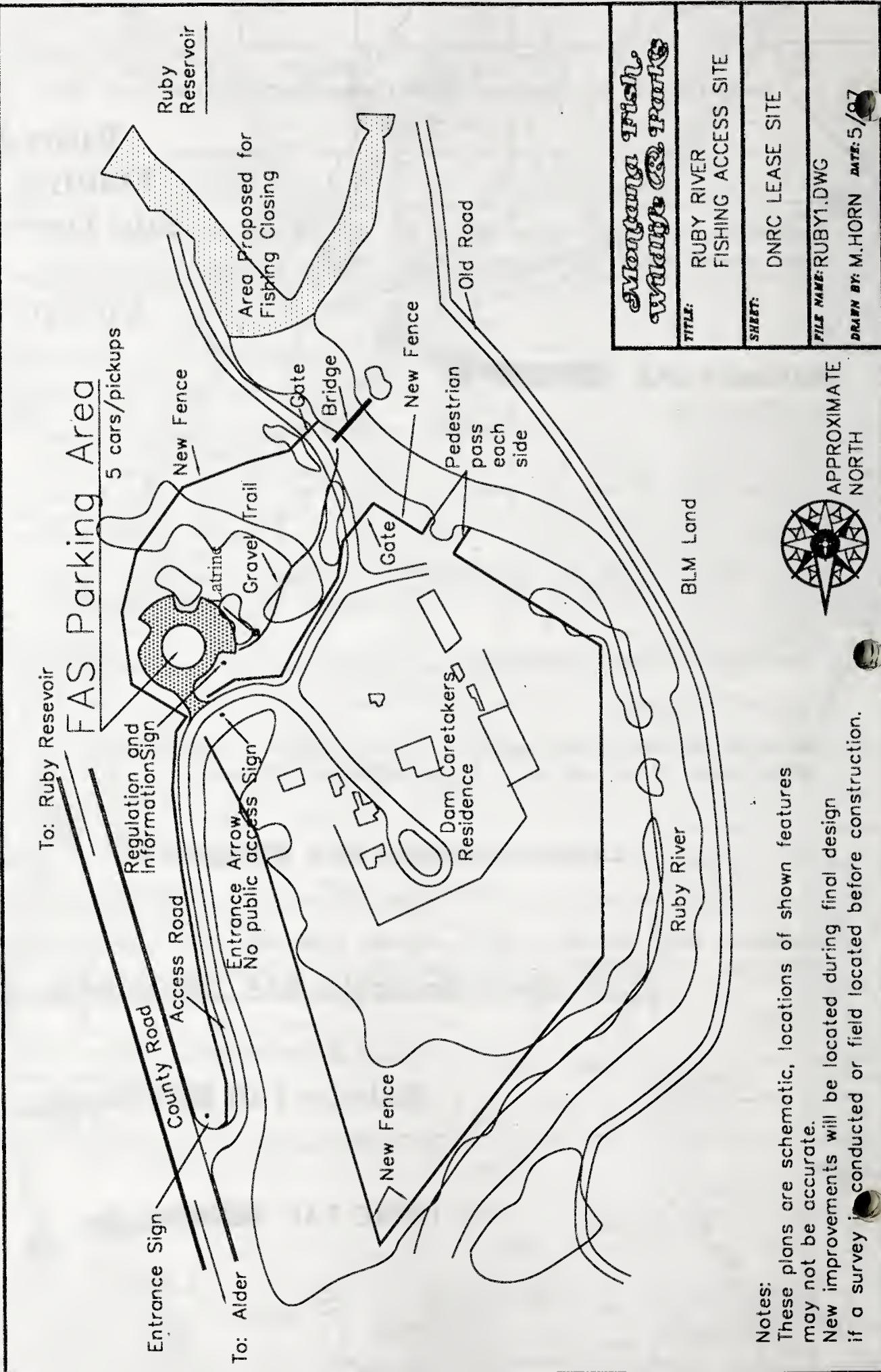
PARALLEL

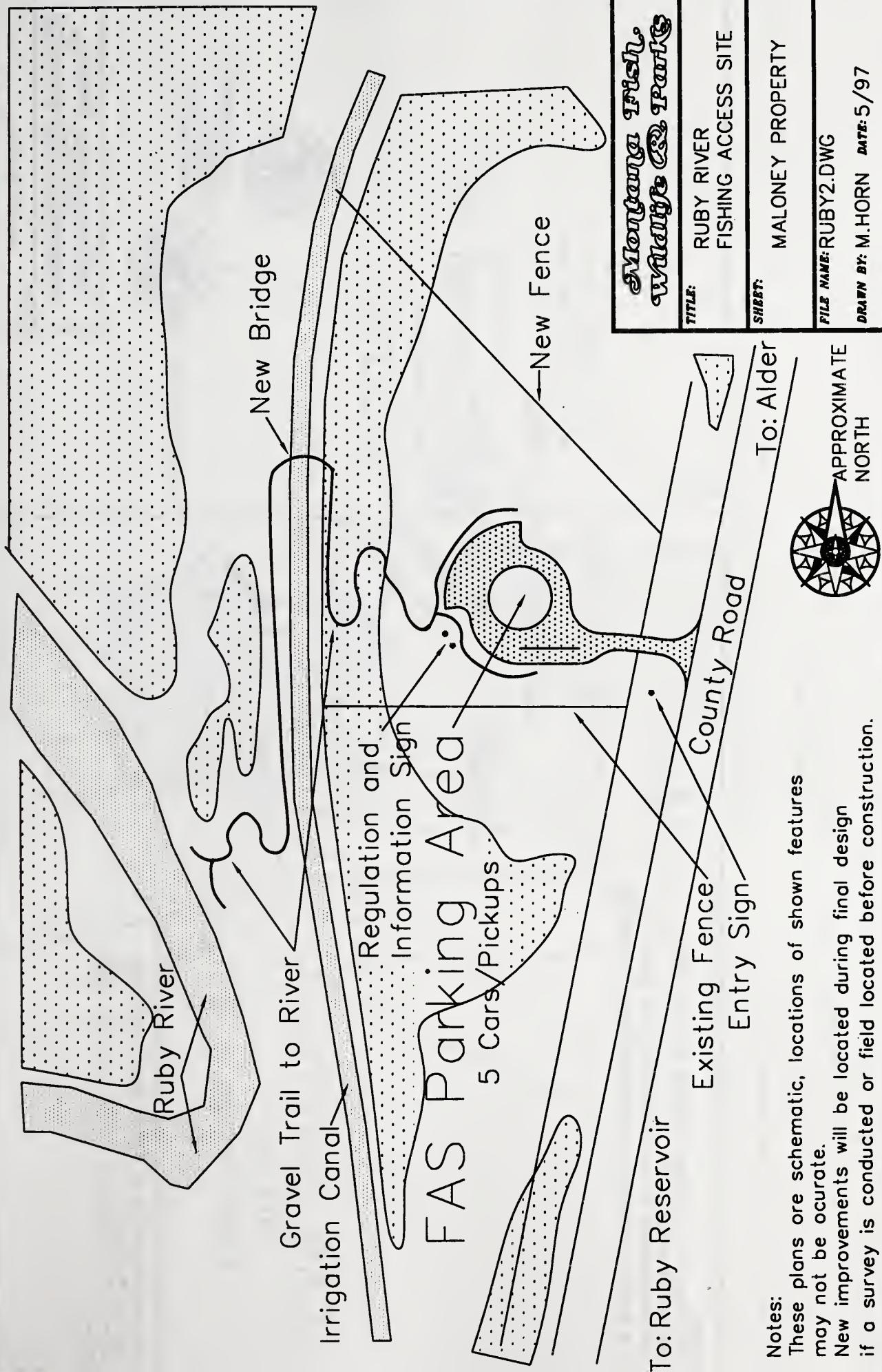
Lower Sauerbier FAS

Upper Sauerbier FAS

Maloney FAS

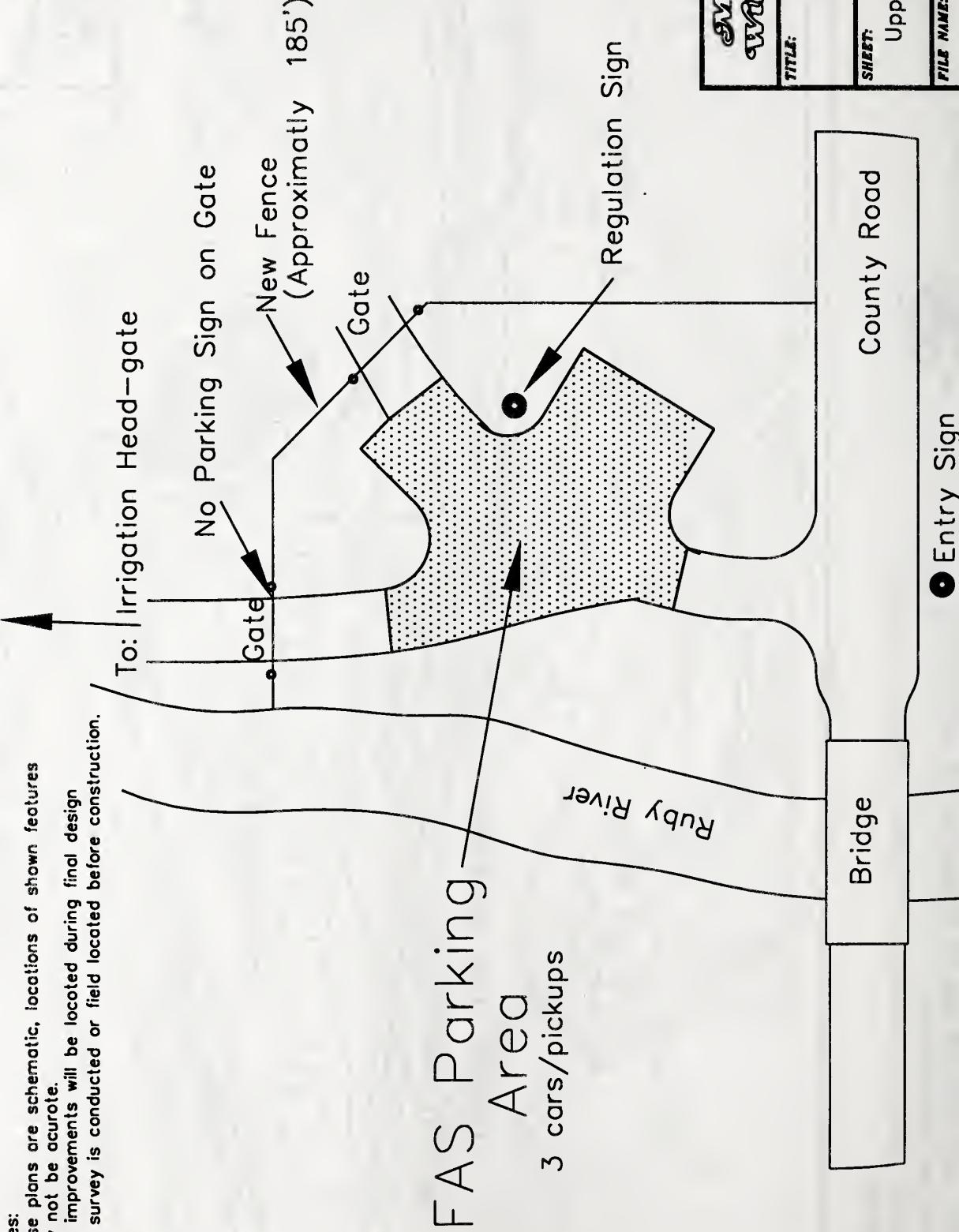
DNRC FAS



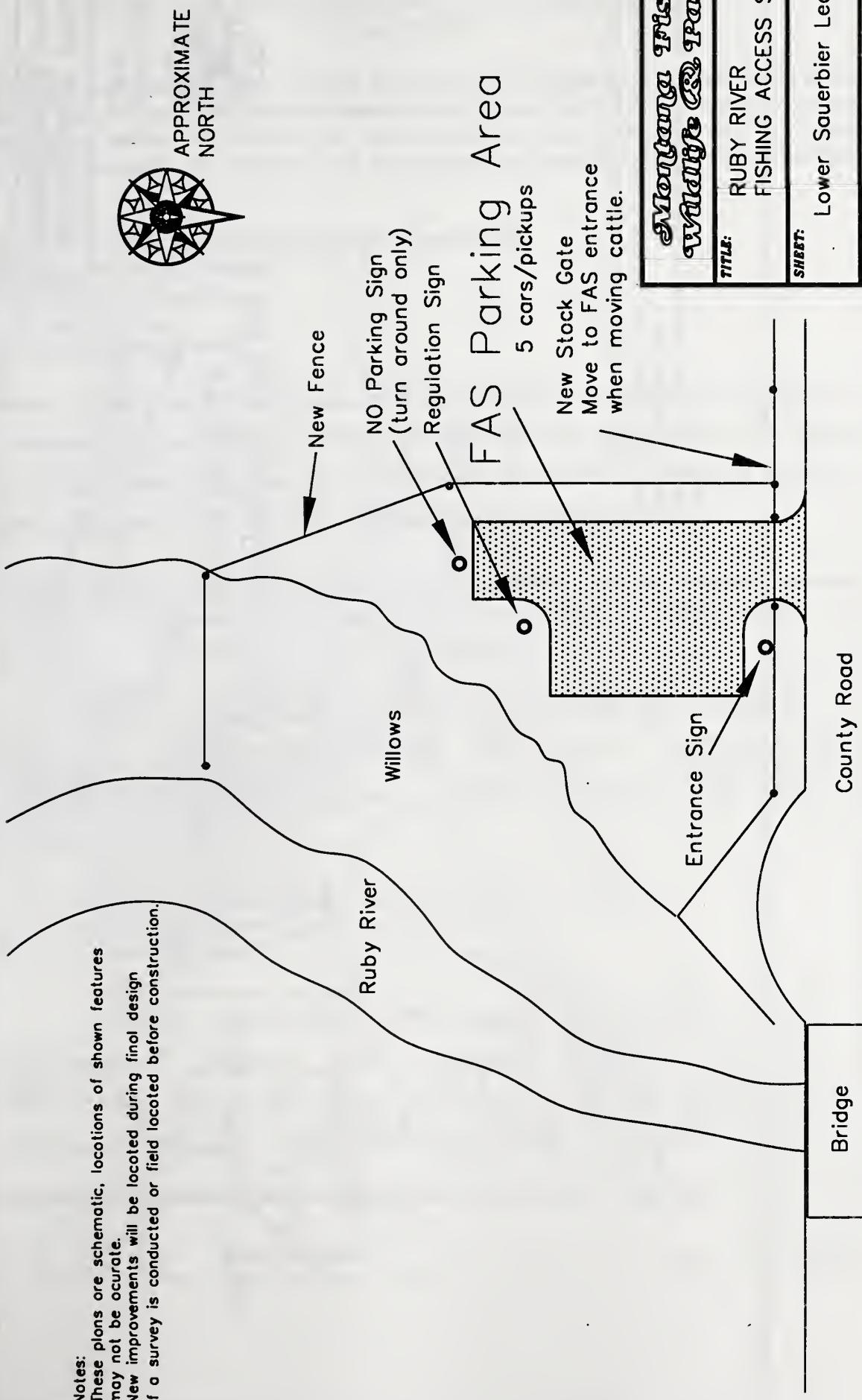


Notes:
These plans are schematic, locations of shown features
may not be accurate.
New improvements will be located during final design
if a survey is conducted or field located before construction.

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STRONGHOLD FISHING
TRAILER PARK

RUBY RIVER
FISHING ACCESS SITE

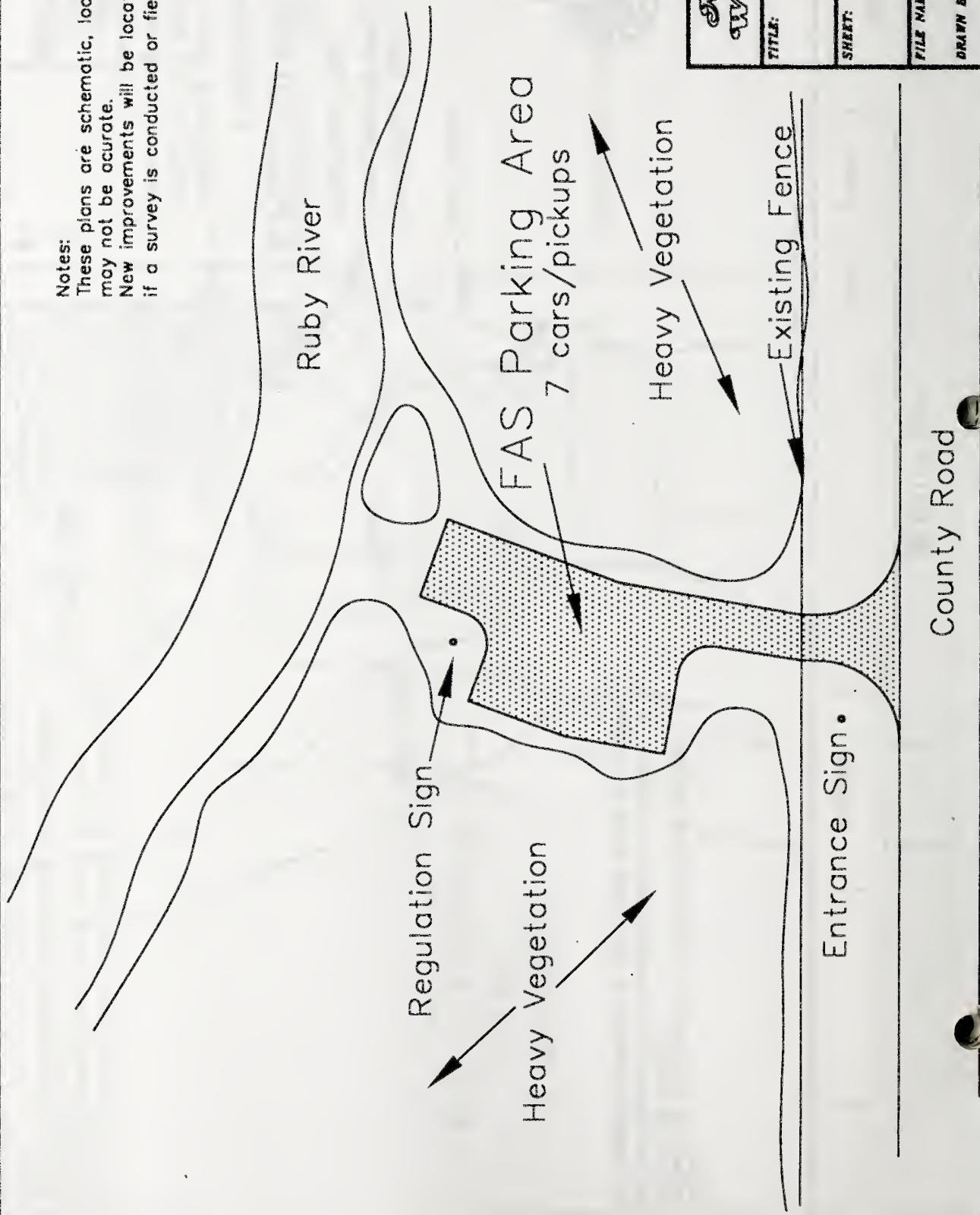
SHEET:

Lower Sauerbier Lease Site

FILE NAME: RUBY4.DWG

DRAWN BY: M.HORN DATE: 5/97

Notes:
These plans are schematic, locations of shown features
may not be accurate.
New improvements will be located during final design
if a survey is conducted or field located before construction.



MONTANA ENVIRONMENTAL POLICY ACT (MEPA)/HB 495
TOURISM REPORT

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by HB 495 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Clint Blackwood, Tourism Development Coordinator
Montana Promotion Division
Department of Commerce
1424 9th Avenue
Helena, MT 59620-0533

Project Name Ruby River Fishing Access Sites Development Environmental Assessment

Project Description The proposal is to construct five small parking areas along the Ruby River to provide fishing access to the river. Developments would include gravel access roads and parking areas, fencing, signing, barriers, cattleguards and possibly latrines.

1. Would this site development project have an impact on the tourism economy?

NO YES If YES, briefly describe:

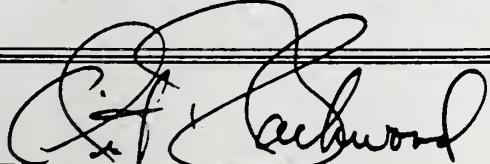
Both residents and non-residents would benefit, thus enhancing the area economy as additional fishermen could access the River

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?

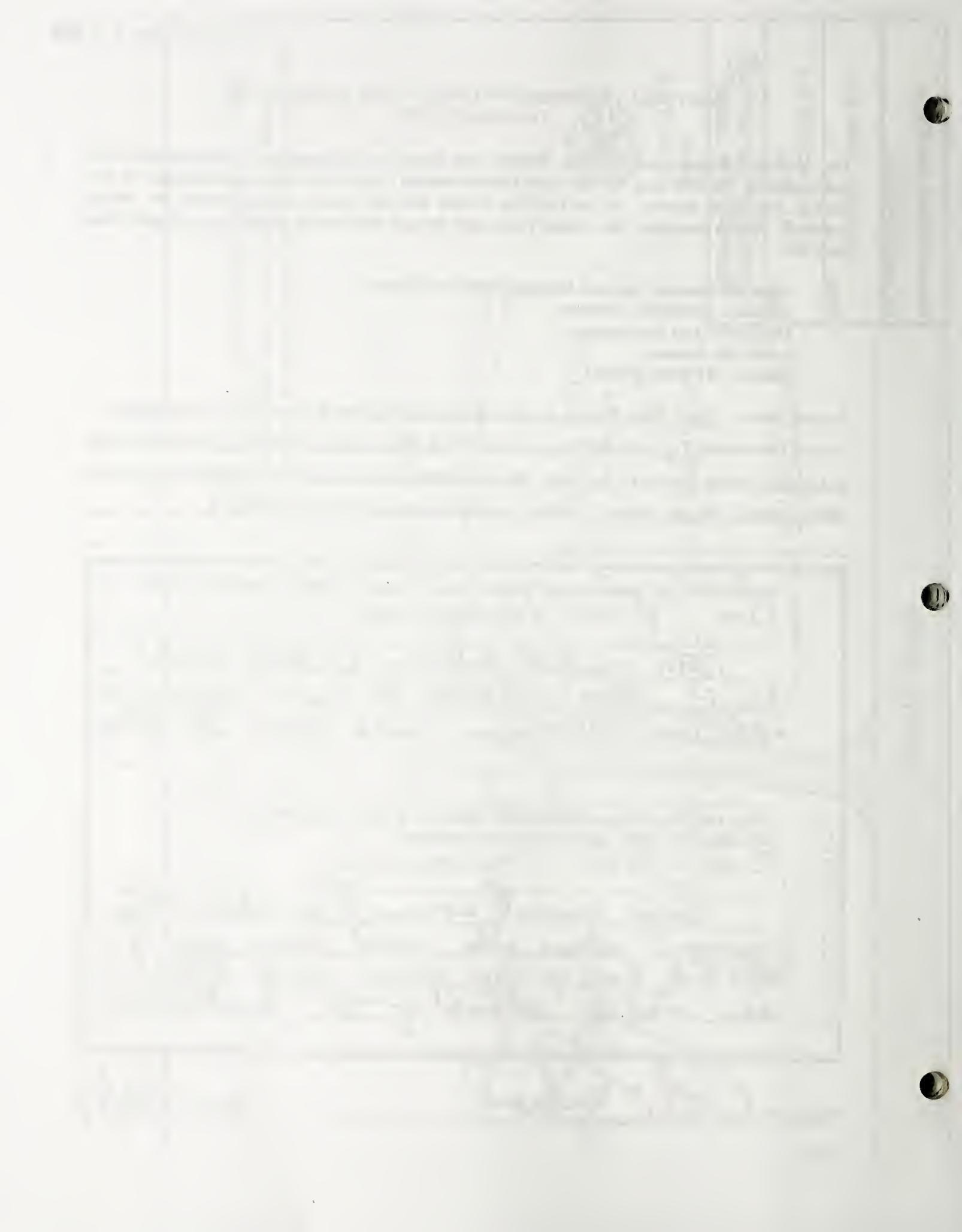
NO YES If YES, briefly describe:

Some general comment as above. The proposed access sites would open more of the Ruby River for 'free' fishing while offering some realistic controls for the landowners.

Signature



Date 5/23/97



Lower Ruby River Benefit:Cost Analysis

**RUBY RIVER FISHING ACCESS SITE
BENEFIT - COST ANALYSIS**

MONTANA FISH, WILDLIFE AND PARKS

JUNE 1997



Overview of Benefit/Cost Analysis for Ruby River

The Ruby River Access Task Force (RRATF) recommended a number of implementation guidelines and criteria be used to evaluate potential fishing access sites on the Ruby River. The development of a benefit/cost (B/C) analysis was one of the recommendations.

The RRATF was provided a draft outline of the benefits and costs that should be considered in an analysis of potential fishing access sites on the Ruby. The benefits associated with these sites include the recreational benefits, i.e. fishing and wildlife viewing, as well as the social benefits of knowing public access is available on the Ruby. The costs associated with fishing access sites included the acquisition (fee title/easement/lease) price, development costs, operation and maintenance costs, and social costs. This list of benefits and costs is not inclusive.

The benefits and costs associated with the fishing access sites are not all generated during the first year of operation. Future benefits and costs need to be discounted using a reasonable discount rate (interest rate) so that the net present value of benefits can be compared to the net present value of costs. Federal government agencies typically use a rate of 4-6 percent on their projects. A discount rate of six (6) percent is used in this analysis.

Ruby River Benefit/Cost Analysis

The fishing access site benefits used in this analysis are angler expenditures associated with a fishing trip. These expenditures include transportation costs, food and beverages, lodging, guide fees, and miscellaneous expenses. These expenditures do not include license fees or the cost of fishing equipment. This information was collected through a survey of resident and nonresident anglers in 1985 and reported in The Net Economic Value of Fishing in Montana by Duffield, et. al. (1987). The expenditure information was not reported for individual rivers but is a statewide average. The data has been updated to 1995 dollars using the Consumer Price Index, CPI Detailed Report, U.S. Dept. of Labor, Bureau of Labor Statistics. Resident expenditures are \$32.00 per angler day and nonresident expenditures are \$165.00 per angler day in 1995 dollars.

Site Benefits:

Angler day estimates for the proposed fishing access sites were provided by Dick Oswald, Fisheries Biologist, Dillon, Montana. Resident and nonresident use is broken out based on past estimates in the Montana Statewide Angling Pressure, 1989, 1991, 1993, and 1995, for these two groups on the Ruby River (Table 1).

Table 1. Angler day estimates for the proposed Ruby River fishing access sites.

Fishing Access Site:	Angler Day Estimates		
	<u>Total</u>	<u>Resident</u>	<u>Nonresident</u>
1. Dept. of Natural Resources	250	140	110
2. Maloney	1000	550	450
3. Upper Sauerbier	1000	560	440
4. Lower Sauerbier/Guinnane	1000	560	440
5. Barnosky	1000	560	440

Site benefits based on fishing are \$22,630 annually for the DNRC site and \$91,850 per site for the Maloney, Upper and Lower Sauerbier, Guinnane, and Barnosky sites.

The Maloney property may generate additional site benefits such as wildlife watching, educational opportunities, and limited hunting in addition to the fishing benefits after a management plan is developed.

Site Costs:

The DNRC site is a no-cost lease for 20 years. The Maloney fishing access site is a fee title purchase. The purchase price is approximately \$353,400. The leases on Upper and Lower Sauerbier, Guinnane, and Barnosky are \$9,000 per year for five years.

The proposed fishing access site development costs are enumerated in the Lower Ruby River Draft Development Environmental Assessment, pages 4 and 5. Annual operations and maintenance costs are estimated to be \$2,000 per year per site. No social costs have been estimated or included.

B/C Analysis

Table 2 provides the net present value (NPV) analysis of benefits and costs for each individual site. Net present value is simply the method to show how much benefits and costs generated in the future are worth today. The **benefit cost ratio** is the NPV of benefits divided by the NPV of costs. A ratio equal to or greater than one (1) indicates a project is beneficial (i.e. benefits outweigh costs) based on the economic criteria used. All the proposed fishing access sites on the Ruby River have a B/C ratio greater than one, ranging from 2.6 to 7.1.

The Maloney fishing access site benefits and costs were discounted based on a 25 year time horizon. While this is a fee title purchase and the benefits and costs will continue into perpetuity, for this analysis it was felt the 25 year time horizon was appropriate.

The DNRC fishing access lease is for twenty years while the lease duration for the Upper and Lower Sauerbier, Guinnane, and Barnosky sites is five years. To maintain consistency across the lease analysis, the DNRC benefits and costs were discounted based on a 5 year time frame.

Table 2. Net present value -- benefit/cost calculations for proposed Ruby River fishing access sites.

SITE BENEFITS		SITE COSTS							
Year	Cash Flows	Year	Initial Costs	Development Costs	O&M Costs				
DNRC FISHING ACCESS SITE									
1998	22,630	1998	0	29,500	2,045				
1999	22,630	1999	0		2,045				
2000	22,630	2000	0		2,045				
2001	22,630	2001	0		2,045				
2002	22,630	2002	0		2,045				
Net Present Value of Site Benefits = \$95,326		Net Present Value of Site Costs = \$36,586							
Benefit/Cost Ratio = 2.6									
MALONEY FISHING ACCESS SITE									
1997	0	1997	353,400	0	0				
1998	91,850	1998	0	23,000	2,045				
1999	91,850	1999	0	0	2,045				
2000	91,850	2000	0	0	2,045				
2001	91,850	2001	0	0	2,045				
2002	91,850	2002	0	0	2,045				
2003	91,850	2003	0	0	2,045				
2004	91,850	2004	0	0	2,045				

SITE BENEFITS		SITE COSTS			
Year	Cash Flows	Year	Initial Costs	Development Costs	O&M Costs
2005	91,850	2005	0	0	2,045
2006	91,850	2006	0	0	2,045
2007	91,850	2007	0	0	2,045
2008	91,850	2008	0	0	2,045
2009	91,850	2009	0	0	2,045
2010	91,850	2010	0	0	2,045
2011	91,850	2011	0	0	2,045
2012	91,850	2012	0	0	2,045
2013	91,850	2013	0	0	2,045
2014	91,850	2014	0	0	2,045
2015	91,850	2015	0	0	2,045
2016	91,850	2016	0	0	2,045
2017	91,850	2017	0	0	2,045
2018	91,850	2018	0	0	2,045
2019	91,850	2019	0	0	2,045
2020	91,850	2020	0	0	2,045
2021	91,850	2021	0	0	2,045
Net Present Value of Site Benefits = \$1,152,750		Net Present Value of Site Costs = \$399,030			
Benefit/Cost Ratio = 2.9					

SITE BENEFITS		SITE COSTS							
Year	Cash Flows	Year	Initial Costs	Development Costs	O&M Costs				
UPPER AND LOWER SAUERBIER FISHING ACCESS SITE									
1997	0	1997	9,000	0	0				
1998	91,850	1998	9,000	8,000	4,090				
1999	91,850	1999	9,000	0	4,090				
2000	91,850	2000	9,000	0	4,090				
2001	91,850	2001	9,000	0	4,090				
Net Present Value of Site Benefits = \$318,270		Net Present Value of Site Costs = \$60,084							
Benefit/Cost Ratio = 5.3									
GUINNANE FISHING ACCESS SITE									
1997	0	1997	9,000	0	0				
1998	91,850	1998	9,000	0	2,045				
1999	91,850	1999	9,000	0	2,045				
2000	91,850	2000	9,000	0	2,045				
2001	91,850	2001	9,000	0	2,045				
Net Present Value of Site Benefits = \$318,270		Net Present Value of Site Costs = \$44,997							
Benefit/Cost Ratio = 7.1									

SITE BENEFITS		SITE COSTS			
Year	Cash Flows	Year	Initial Costs	Development Costs	O&M Costs
BARNOSKY FISHING ACCESS SITE					
1997	0	1997	9,000	0	0
1998	91,850	1998	9,000	2,500	2,045
1999	91,850	1999	9,000	0	2,045
2000	91,850	2000	9,000	0	2,045
2001	91,850	2001	9,000	0	2,045
Net Present Value of Site Benefits = \$318,270		Net Present Value of Site Costs = \$47,497			
Benefit/Cost Ratio = 6.7					

Summary

This report presents the benefit/cost analysis of the proposed fishing access site acquisitions on the Ruby River. At this point in time the benefits associated with these site are related to fishing. While there may be other benefits that these sites will generate they have not been quantified here. The costs associated with the sites that have been enumerated deal with the cost of acquisition, development and maintenance.

The angler day estimates are based on past fishing pressure from the Montana Statewide Fishing Pressure, 1989 - 1995 and Dick Oswald, Fisheries Biologist, MFWP.

The acquisition costs (fee title and leases) were arrived at through negotiations with Montana Fish, Wildlife and Parks staff and the landowners. The development and maintenance costs estimates have been compiled by fisheries and parks staff with Montana Fish, Wildlife and Parks.

Table 3 presents the important points of this analysis. Based on the economic criteria used, all the proposed fishing access sites on the Ruby River have a B/C ratio greater than one (2.6 to 7.1) indicating the projects are beneficial.

Table 3. Summary of benefit/cost analysis for proposed Ruby River Access Sites.

Site	Net Present Value of Site Benefits	Net Present Value of Site Costs	Benefit/Cost Ratio
1. Dept. of Natural Resources	\$95,326	\$36,586	2.6 to 1
2. Maloney	\$1,152,750	\$399,030	2.9 to 1
3. Upper and Lower Sauerbier	\$318,270	\$60,083	5.3 to 1
4. Guinnane	\$318,270	\$44,997	7.1 to 1
5. Barnosky	\$318,270	\$47,497	6.7 to 1





DECISION NOTICE
LOWER RUBY RIVER ACQUISITION
ENVIRONMENTAL ASSESSMENT
Prepared by Region Three, Montana Fish, Wildlife & Parks
July 11, 1997

PROPOSAL

The proposed action is to acquire five fishing access sites on the Lower Ruby River (between Ruby Dam and the Beaverhead River) in southwest Montana which lie on property proposed for fee title acquisition or lease.

Department of Natural Resources & Conservation (DNRC) Property

The DNRC property is located immediately downstream from the Ruby Reservoir dam in the Upper Access Reach as defined in the Ruby Access Plan. Proposed acquisition would be by a twenty year no-cost lease.

Mike Maloney Property

The Maloney property is located about two miles downstream from Ruby Reservoir dam in the Upper Access Reach as defined in the Ruby Access Plan. Proposed acquisition would be by fee title purchase for the cost of \$4650 per acre, or approximately \$353,400 for about 76 acres (to be confirmed by future survey).

Upper Sauerbier Property

The Upper Sauerbier property is located at Coy Brown Bridge near Alder, Montana in the Upper Access Reach as defined in the Ruby Access Plan. Proposed acquisition would be by five year lease (along with Lower Sauerbier property) starting August 1, 1997, for an annual cost of \$9,000.

Lower Sauerbier Property

The Lower Sauerbier property is located at the Alder Bridge near Alder, Montana in the Upper Access Reach as defined in the Ruby River Access Plan. See Upper Sauerbier property for acquisition means and cost.

Guinnane Property

The Guinnane property is located at the Alder Bridge near Alder, Montana in the Upper Access Reach as defined in the Ruby Access Plan. Proposed acquisition would be by five year lease starting August 1, 1997, for an annual cost of \$9,000.

Barnosky Property

The Barnosky property is located downstream from the Silver Spring Bridge about three miles southwest of Sheridan, Montana. It is located in the Lower Access Reach as defined in the

Ruby Access Plan. Proposed acquisition would be by five year lease starting August 1, 1997, for an annual cost of \$8,000.

MONTANA ENVIRONMENTAL POLICY ACT PROCESS

FWP is required to assess impacts to the human and physical environment. The Lower Ruby River fishing access site acquisition proposal and its effects were documented by FWP in an Environmental Assessment to satisfy the Montana Environmental Policy Act (MEPA).

A 30 day public comment period ran from June 9, 1997, through July 10, 1997. Public notices of the proposed action were run in area newspapers and two public hearings were held at the Sheridan School cafeteria on June 17, 1997, and the War Bonnet Inn, Butte, on June 18, 1997.

Public comments received during the comment period will be addressed in a following section. These comments have necessitated some revisions to the Draft Lower Ruby River Acquisition Environmental Assessment, and those changes are documented in the section immediately following.

CORRECTIONS\REVISIONS TO THE ORIGINAL DOCUMENT

The following corrections\revisions have been made to the original proposal dated June 9, 1997, in response to comments received during the official public comment period:

Under section one of the Lower Ruby Draft Acquisition Environmental Assessment some changes were made:

Page 1

Draft: Silver Silver Spring Ranch (Barnosky) property proposed for monetary lease - Madison County, T5S, R5W, SW1/4 Section 10 *and NE1/4 Section 9*.

Change: Delete: *and NE1/4 Section 9*

Page 3

Draft: The Silver Spring Ranch (Barnosky) property proposed for access lease is approximately **37.9** acres.

Change: **24.2** acres

Draft: (c) Wetlands/Riparian/
Floodplain **37.9** acres

Change: **24.2** acres

Page 4, 5, 6

Draft: The first sentence under each heading that reads: The proposed (acquisition or lease) on the (DNRC, Maloney, Sauerbier, Guinnane, & Barnosky) property will facilitate public access to the Ruby River for *primarily* wade and bank fishing within a leased area along the Ruby River.

Change: Add the word *primarily*.

Page 6

Draft: The proposed lease on the Silver Spring Ranch (Barnosky) property will provide public access to the Ruby River for wade and bank fishing within a leased corridor extending 100 feet from each river bank. The proposed lease agreement is for a five year period, beginning in August 1997. The Barnosky property is located downstream from the Silver Spring Bridge about three miles southwest of Sheridan, Montana as described above. It is located in the Lower Access Reach as defined in the Ruby Access Plan. The approximate acreage leased for fishing access totals 37.9 acres, primarily riparian wetland and floodplain. Additional acreage is included in the lease for parking development (see companion Development E.A.). The access area contains about 10,560 feet or 2.0 miles of river in total. The access corridor is fragmented by a short length (east bank of about 330 feet) shared with Chet and Marvin Allinson and another short segment of about 495 feet which meanders through a property corner owned by Allinsons. The access corridor in the lowermost 4,290 feet (0.81 mile) would be limited to the west river bank because the east bank is owned by David Shapnick. The unbroken access corridor along both banks extends downstream from the Silver Spring bridge about 1.0 miles. Streamflow remains relatively constant and ample throughout the year with the exception of the runoff period. Information descriptive of habitat condition and trout populations can be found in Appendix A. The area of the proposed lease has been used by the public for many years through the generosity of the Barnosky family. The Barnosky family now wishes to formalize this agreement with the Department to secure public access to the fishery through their property for the next five year period.

Change: The word primarily was added and the rest that is highlighted has been rewritten.

The proposed lease on the Silver Spring Ranch (Barnosky) property will provide public access to the Ruby River for *primarily* wade and bank fishing within a leased corridor extending 100 feet from each river bank. The proposed lease agreement is for a five year period, beginning in August 1997. The Barnosky property is located downstream from the Silver Spring Bridge about three miles

southwest of Sheridan, Montana as described above. It is located in the Lower Access Reach as defined in the Ruby Access Plan. *The approximate acreage leased for fishing access totals 24.2 acres, primarily riparian wetland and floodplain. Additional acreage is included in the lease for parking development (see companion Development E.A.). The access easement contains about 5,280 feet or 1.0 mile of river as an unbroken access corridor along both banks. Downstream river frontage property owned by the Barnosky family is fragmented or is limited to the west river bank due to neighboring property ownerships and will not be considered as part of this proposal.*

Streamflow remains relatively constant and ample throughout the year with the exception of the runoff period. Information descriptive of habitat condition and trout populations can be found in Appendix A. The area of the proposed lease has been used by the public for many years through the generosity of the Barnosky family. The Barnosky family now wishes to formalize this agreement with the Department to secure public access to the fishery through their property for the next five year period.

Page 6

Draft: FWP \$9,000 per year lease rental for 5 year leases of access sites of Sauerbier, Guinnane, and *Barnosky* properties.

Change: Delete *Barnosky*

Change: Add under number 10.

FWP *\$8,000 per year lease rental for 5 year lease of access easement of Barnosky property.*

Page 10

Change: On line 10 of paragraph two the word *or* was inserted after gear restriction,.

Page 11

Change: Under 5c. on line 8 add the word *supports* after Ruby River reach.

Lower Ruby River Benefit: Cost Analysis Section

Page 3, Table 1

Resident Angler Day Estimates for sites 2 correct from 1000 to 550.

Resident Angler Day Estimates for sites 3-5 correct from 1000 to 560.

Nonresident Angler Day Estimates for sites 2 correct from 1000 to 450.

Nonresident Angler Day Estimates for sites 3-5 correct from 1000 to 440.

Page 8, Table 3

Site 2, name was corrected from Malawian to Maloney.

Opposite Page 18, on Vicinity Map

Move Barnosky property marker from current location upstream or south to the immediate next road crossing of the Ruby River.

SUMMARY OF PUBLIC COMMENTS

FWP received a total of 30 official comments, including 18 written and 12 verbal during the public hearings, on the Draft Lower Ruby River Fishing Access Acquisition EA. These comments are summarized into seven categories and are addressed in the same groupings immediately following (many people who commented discussed more than one aspect of the proposal) .

Unconditional Support for the Proposal:

Fourteen (14) comments received were in total support of the proposal.

Response: N/A

Boat Launching Concerns:

Ten (10) comments received were concerned with the ability of anglers to launch small watercraft from the proposed access sites. Original draft lease language required that boat launching would only be permitted by specific permission from the landowner.

One (1) of these comments also expressed that boat launching should be provided at all county road crossings

Response:

The lease language in question has since been changed, in response to public comment/concern, and with support of the landowners and the Ruby River Access Task Force (RRATF), to say only that no boat ramps will be constructed on the leased properties. This provides individuals the opportunity to launch and land small hand-carried watercraft from the access sites while maintaining the RRATF mandate of providing access primarily for bank and wade fishing.

Access to the Ruby River from county road bridges is a matter which is currently in dispute and more importantly is beyond the scope of this proposal.

Fish Population/Fishing Regulation Concerns

Eight (8) comments were received which conditionally supported the proposal with further restriction of fishing regulations from the status quo. These comments were based on a concern that fish populations would be compromised by the anticipated increase in angler use via the proposed accesses.

Response:

In a separate and currently active process, FWP is proposing to the Commission a proactive change to the fishing regulations which includes shorter harvest season, seasonal terminal tackle restriction of bait use, and reduced bag and size limits. These restrictions, if approved, should provide the fishery adequate protection while still allowing for traditional uses as mandated by the RRATF.

Site Choice/Distribution Concerns

Five (5) comments were received which expressed concern about the distribution and/or choice of the five proposed access sites. The two main concerns given were that the sites are unevenly distributed, thus concentrating access in some reaches while providing little or none in others, and that the DNRC site will present management problems and undue hardship to the dam caretaker.

Response:

Site distribution was determined first by the RRATF ranking protocol, then finally by the ability to negotiate agreements with landowners willing to participate. The current proposal (four sites in the upper reach, none in the middle reach, and one in the lower reach) is the best case scenario that was able to be realized in negotiations with landowners compared to the original goals of the RRATF.

As for the DNRC site, FWP will take any steps feasible to make the access site palatable for the caretaker and the Water Users Association.

Acquisition Method Concerns

Two (2) comments were received encouraging the use of fee title or permanent easement as means of securing access as opposed to less secure methods such as short term lease.

Response:

Limited funding for implementation of the RRATF Access Plan dictated the results as much or more than any other factor. Therefore, the numerical majority of the sites negotiated have short-term agreements (which are more affordable in the short-term, but lack long-term security) instead of preferable permanent agreements (which are conversely less affordable in the short-term, but provide long-term security).

Unconditional Opposition

Two (2) comments were received that were totally opposed to the proposal under any circumstances.

Response: N/A

Late Comment

A lengthy comment was received after the end of the public comment period (5 p.m. June 10, 1997). Two of the concerns it brought forth fit into the fish population/fishing regulations and site choice/distribution categories and would be addressed by the respective responses listed above.

One new concern was brought forth in the late comment that no watercraft of any type should be allowed on the Ruby River. This question is not under the purview of the current proposal or Access Plan.

Finally, the late comment brought forth an alternative proposal for how to implement access on the Lower Ruby River, based upon voluntary (no-fee) participation by a number of private landowners (many of whom are acknowledged to be unaware of this alternative proposal) and would provide a number of small access sites, but contingent upon FWP's implementation of a complicated array of various restrictive fishing regulation sections, and with various other caveats and contingencies. This alternative as proposed would not be in the best interest of the sportpersons of Montana.

DECISION

FWP has evaluated the EA and applicable laws, regulations and policies and has determined that this action will not have a significant effect on the human and natural environment. Therefore, an Environmental Impact Statement will not be prepared.

Based on the information provided in the EA and public comment it is my recommendation to the Fish, Wildlife & Parks Commission to implement the proposed action and acquire the access sites at the locations identified and in the manner prescribed.

If approved by the FWP Commission, lease acquisitions would take effect on **August 1, 1997**, and the fee title purchase as soon thereafter as possible.



Stephen L. Lewis
Regional Supervisor
Bozeman, MT
July 11, 1997



**DECISION NOTICE
LOWER RUBY RIVER DEVELOPMENT
ENVIRONMENTAL ASSESSMENT
Prepared by Region Three, Montana Fish, Wildlife & Parks
July 11, 1997**

PROPOSAL

The proposed action is to develop with minimal facilities five fishing access sites on the Lower Ruby River in southwest Montana which lie on property proposed for fee title acquisition or lease. As recommended in the Ruby River Access Task Force Final Report and the Ruby River Access Plan, boat ramps are not proposed, parking areas are proposed that will accommodate no more than five passenger vehicles per mile of river access and camping will not be permitted at the fishing access sites. Based on these guidelines and negotiations with individual landowners, the following development actions (with cost estimates) are proposed:

Department of Natural Resources & Conservation property

The DNRC property is located immediately downstream from the Ruby Reservoir dam in the Upper Access Reach as defined in the Ruby Access Plan. Proposed improvements at this site include fencing, cattle guard, signing, vault latrine, parking area and trail to river. Costs for these improvements are estimated at \$29,500.

Mike Maloney property

The Maloney property is located about two miles downstream from Ruby Reservoir dam in the Upper Access Reach as defined in the Ruby Access Plan. Proposed improvements at this site include road, parking area, trail to river, fencing, signing, barriers, cattle guard, and pedestrian bridge. FWP has determined that it may be desirable to install a latrine at this site at a future date. Costs for these improvements (less the latrine) are estimated at \$23,000.

Upper Sauerbier property

The Upper Sauerbier property is located at Coy Brown Bridge near Alder, Montana in the Upper Access Reach as defined in the Ruby Access Plan. Proposed improvements at this site would include road, parking area, fencing, and signing. Costs for these improvements are estimated to range between \$2,000 and \$4,000.

Lower Sauerbier property

The Lower Sauerbier property is located at the Alder Bridge near Alder, Montana in the Upper Access Reach as defined in the Ruby River Access Plan. This development will also serve the adjacent downstream Guinnane lease. Proposed improvements at this site would include road, parking area, fencing, and signing. Costs for these improvements are estimated to range between \$2,000 and \$4,000.

Barnosky property

The Barnosky property is located downstream from the Silver Spring Bridge about three miles

southwest of Sheridan, Montana. It is located in the Lower Access Reach as defined in the Ruby Access Plan. Proposed improvements at this site would include road, parking area, and signing. Costs for these improvements are estimated to range between \$1,500 to \$2,500.

The total cost estimate to develop the five sites listed above = \$58,000 to \$63,000.

MONTANA ENVIRONMENTAL POLICY ACT PROCESS

FWP is required to assess impacts to the human and physical environment. The Lower Ruby River fishing access site development proposal and its effects were documented by FWP in an Environmental Assessment to satisfy the Montana Environmental Policy Act (MEPA).

A 30 day public comment period ran from June 9, 1997, through July 10, 1997. Public notices of the proposed action were run in area newspapers and two public hearings were held at the Sheridan School cafeteria on June 17, 1997, and the War Bonnet Inn, Butte, on June 18, 1997.

Public comments received during the comment period will be addressed in the following section. These comments did not necessitate any revisions to the Draft Lower Ruby River Development Environmental Assessment, which will therefore serve as the Final Environmental Assessment.

SUMMARY OF PUBLIC COMMENTS

FWP received 18 written comments and 13 verbal comments during the public hearings on the Draft Lower Ruby River Fishing Access Acquisition EA. Six of these comments were directed at development issues and will be summarized below.

The Montana Historical Society, State Historic Preservation Office (SHPO) concurred with FWP's plan to consult with SHPO under the state Antiquities Act after the proposed access sites are surveyed and inventoried for cultural resources prior to ground disturbance activities taking place.

The Department of Environmental Quality (DEQ) informed FWP that Storm Water Discharge permits may be necessary for proposed developed sites if each project will:

1. Involve 5 acres or more of clearing, grading or excavation; or
2. If the project is located less than 100 feet from state waters and one acre or more will undergo clearing, grading or excavation.

FWP has determined through the site planning process that neither of these conditions will be met and subsequently, Storm Water Discharge permits will not be required for these proposed projects.

The Ruby Reservoir Dam tender (Neil Todd) commented that the proposed parking area on the DNRC property will greatly affect his quality of life as it is located within 100 yards of his residence. He also expressed concern that the access road to the parking area, which is also his driveway to his residence, may be congested or blocked during periods that he would need to exit the area to perform his duties. According to Mr. Todd, the access road is narrow and on a steep incline and subject to becoming icy during winter months. FWP recognizes these concerns and will take feasible measures to minimize conflicts with the dam tender.

The local game warden also commented that the parking area on the DNRC property was ill-advised due to past access policies for this property by DNRC and the likely confusion that will result. Through the lease agreement between FWP and DNRC, the public is granted formal authorization to utilize the river corridor for fishing access purposes. Additionally, FWP assumes certain responsibilities to manage fishermen use of this property.

A suggestion expressed at the Butte public hearing was to provide portable toilets at the leased sites during heavy use periods to reduce litter and waste on private property. This option will be investigated and if feasible, will be implemented.

Another comment suggested that the developed parking area on the upper Sauerbier property would be better located in the middle of this leased parcel so fishermen could disperse both up and downstream. The proposed parking area was located at an area negotiated with the private owner and adjacent to the county road to keep road building costs to a minimum.

A lengthy comment was received by FWP Region Three after the EA public comment period (July 10, 1997, 5 p.m.) with a number of concerns related to site development. Those concerns and FWP responses are listed below:

1. Copies of site signing language was requested.

Site signing has not been designed at this point. FWP will make this information available to the requestor when it is prepared.

2. Limiting the size of the parking lots will not prevent additional people from accessing the river because people will park along the county roads. FWP should post the county roads as "no parking" and should post signing at the entrance to the parking lots specifying the maximum number of vehicles allowed and if full, requiring users to proceed to a parking area where capacity has not been reached.

It was the intent of the Ruby River Access Plan to distribute fishermen along the river in a cooperative, non-punitive manner through signing and parking area capacity design. FWP intends to proceed in this manner. However, if circumstances show otherwise, FWP will apply more restrictive regulations to control crowding. FWP does not have the authority to regulate or prevent parking on county roads, but will work with Madison County if this becomes a problem. The site capacity signs suggested will be considered.

3. An operations plan and budget information was requested .

At this point in time an operations plan has not been prepared. These new sites will be incorporated into FWP Region Three's maintenance operations scheme. A preliminary annual budget (\$12,000) has been established for maintaining the Ruby River access sites and a tentative service schedule is listed in the EA. It is unlikely that FWP will have staff available to service these sites and may contract with the private sector to perform maintenance activities. FWP personnel will oversee the contract. It is not anticipated that trash receptacles will be set out at the Ruby River access sites, but instead FWP will rely on a "pack-in, pack-out" trash policy that is in place at most Region Three fishing access sites. Regulation signing will be posted at each site restricting those activities that are not a part of Ruby River Access Plan such as camping and fire building.

4. Requested specific plans to patrol access sites and surrounding private lands for regulation violations and trespass.

The responsibility for patrol activities will lie primarily with area game wardens and possibly to a lesser extent FWP employees with ex-officio law enforcement status. At this time, no specific plan has been formulated. Private security personnel, hired by landowners, can document and file trespass complaints with requests for prosecution to the Madison County Attorney. Game wardens and other FWP employees will integrate duties required on the Ruby River with other existing responsibilities. Wardens base their patrol activities on sportsmen concentrations and district priorities and responsibilities.

5. Suggested that Upper Sauerbier parking area be moved to the middle of this leased stretch.

This comment was answered above.

DECISION

FWP has evaluated the EA and applicable laws, regulations and policies and has determined that this action will not have a significant effect on the human and natural environment. Therefore, an Environmental Impact Statement will not be prepared.

Based on the information provided in the EA and public comment, it is my recommendation to the Fish, Wildlife & Parks Commission to implement the proposed action and develop the access sites at the locations identified and in the manner prescribed.

If approved by the FWP Commission, construction activities to develop the Lower Ruby River fishing access sites would commence in the spring of 1998 and be completed during the summer of 1998.

This decision to develop access sites along the Ruby River is subject to appeal. An appeal must be submitted to the director in writing and must be postmarked or received by **August 10, 1997**.

Herald Walker for

Stephen L. Lewis
Regional Supervisor
Bozeman, MT
July 11, 1997